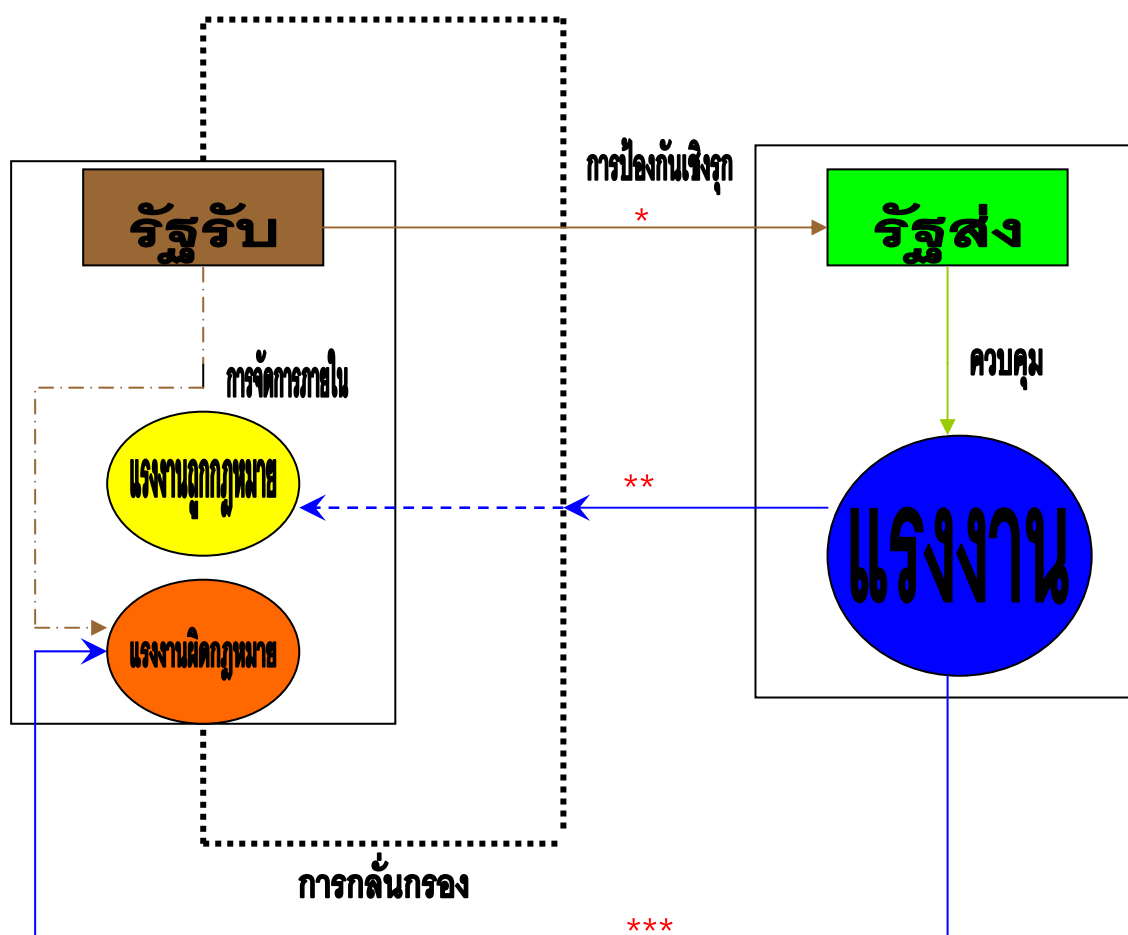



ภาคผนวก


รูปแบบ (Model) การบริหารจัดการการข้ามแดน

รูปแบบที่ 1 รูปแบบการบริหารจัดการการข้ามแดนทั่วไป



* เส้นลูกศรนี้แสดงถึงการที่ "รัฐรับ" เข้าไปทำการป้องกันเชิงรุกภายใน "รัฐส่ง"

** เส้นลูกศร  แสดงถึงแรงงานที่เข้าสู่กระบวนการกลั่นกรองและ

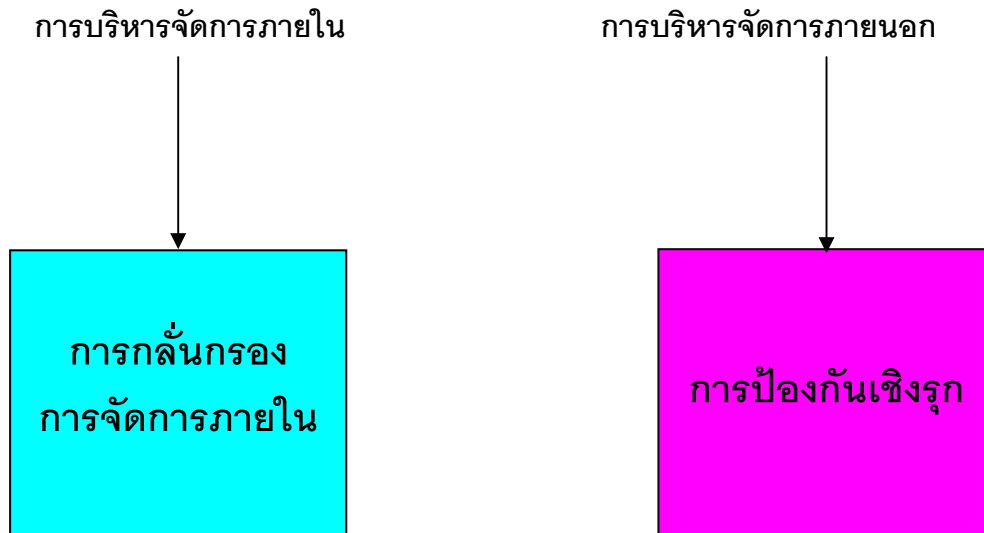
เส้นลูกศร  แสดงถึงแรงงานเพียงบางส่วนที่สามารถเข้า "รัฐรับ" อย่างถูกกฎหมาย

*** เส้นลูกศรนี้แสดงถึงการลักลอบเข้าเมืองอย่างผิดกฎหมาย

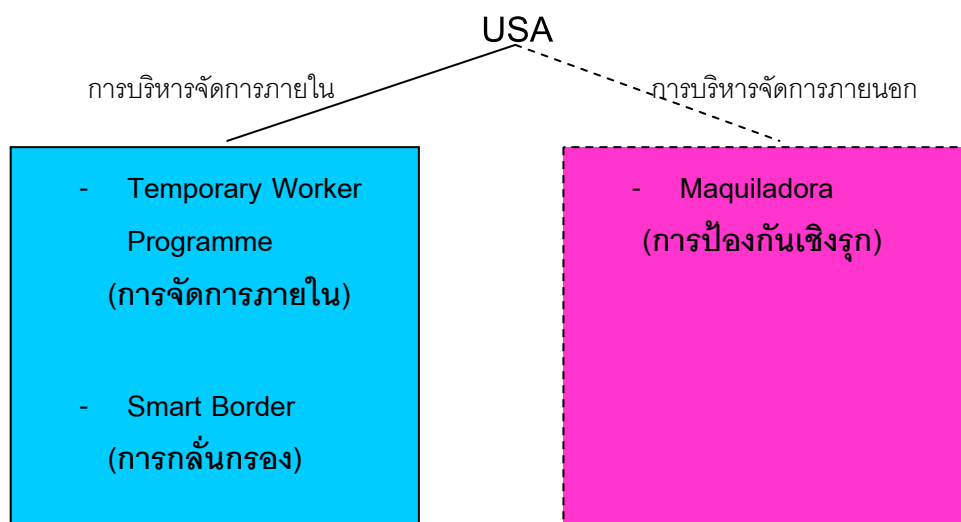
จากการศึกษาพบว่าสามารถแบ่งรูปแบบการบริหารจัดการการข้ามแดนออกเป็น 3 รูปแบบ ดังนี้

- 1.) การบริหารจัดการในรูปแบบการกั้นกรอง เป็นการแก้ไขปัญหาโดยการควบคุมการข้ามแดนของบุคคลเพื่อให้สามารถแยกแยะประเภทของบุคคลที่ข้ามแดนได้ และป้องกันมิให้กลุ่มหรือบุคคลที่ไม่พึงประสงค์ เช่น ผู้ก่อการร้าย กลุ่มค้ายาเสพติด กลุ่มค้ายาเสพติด และผู้ลักลอบเข้าเมืองสามารถข้ามแดนเข้ามาได้ ดังเช่นรูปแบบที่ 1 จะเห็นได้ว่ารัฐรับได้สร้างกรอบป้องกันเพื่อกั้นกรองการข้ามแดนจากรัฐส่งซึ่งเป็นรัฐต้นทางซึ่งบุคคลที่สามารถผ่านเข้ามาได้ก็จะมีสถานภาพถูกต้องตามกฎหมาย จัดเป็นแรงงานที่ถูกกฎหมาย ในขณะที่บางกลุ่มไม่สามารถผ่านการกั้นกรองเข้าไปได้ก็พยายามหาวิถีทางในการหลบหนีการกั้นกรองเพื่อเข้าไปยังรัฐรับซึ่งเป็นรัฐปลายทาง หากเข้าไปได้แล้วก็จะกลายเป็นผู้ลักลอบเข้าเมืองและแรงงานผิดกฎหมายภายในรัฐรับ
- 2.) การบริหารจัดการในรูปแบบการป้องกันเชิงรุก เป็นมาตรการในการลดปริมาณการข้ามแดนอันมีปัจจัยมาจากช่องว่างทางเศรษฐกิจ (Economic Gap) ระหว่างประเทศทำให้เกิดการหลั่งไหลของบุคคลที่ต้องการเข้าไปยังประเทศที่มีเศรษฐกิจดีกว่าเพื่อหารายได้ที่สูงกว่า โดยมาตรการนี้จะพยายามลดช่องว่างทางเศรษฐกิจให้น้อยลงด้วยการสร้างงานและโครงสร้างพื้นฐานในประเทศที่ระดับการพัฒนาทางเศรษฐกิจที่ต่ำกว่า รวมทั้งมีการสร้างความร่วมมือในการสร้างพื้นที่ในการผลิตร่วมกัน (Co-product Area) และเขตเศรษฐกิจข้ามแดน (Cross-Border Economic Zone) เพื่อเสริมสร้างและพัฒนาเศรษฐกิจร่วมกัน จากรูปแบบที่ 1 จะเห็นว่ารัฐรับซึ่งเป็นรัฐปลายทางที่มีเศรษฐกิจดีกว่ารัฐส่ง ดังนั้นรัฐรับจึงได้ออกมาตรการในการป้องกันด้วยการสร้างความร่วมมือกับรัฐส่งในการสร้างงานและโครงสร้างพื้นฐานให้แก่รัฐส่ง ซึ่งผลจากความร่วมมือนี้ก็จะส่งผลในการควบคุมและลดกระแสการข้ามแดนได้ในระดับหนึ่ง
- 3.) การบริหารจัดการในรูปแบบการจัดการภายใน คือการบริหารจัดการกับบุคคลที่ลักลอบข้ามแดนเข้ามาแล้วให้อยู่ในความดูแลและควบคุมเพื่อป้องกันปัญหาที่อาจเกิดขึ้น เช่น อาชญากรรม และการละเมิดสิทธิมนุษยชน เป็นต้น จากรูปแบบที่ 1 จะเห็นได้ว่ารัฐรับซึ่งเป็นรัฐปลายทางนั้นต้องเข้าไปจัดการกับกลุ่มลักลอบเข้าเมืองที่ผิดกฎหมายเพื่อที่จะสามารถดูแลและควบคุมคนกลุ่มนี้ได้นั่นเอง

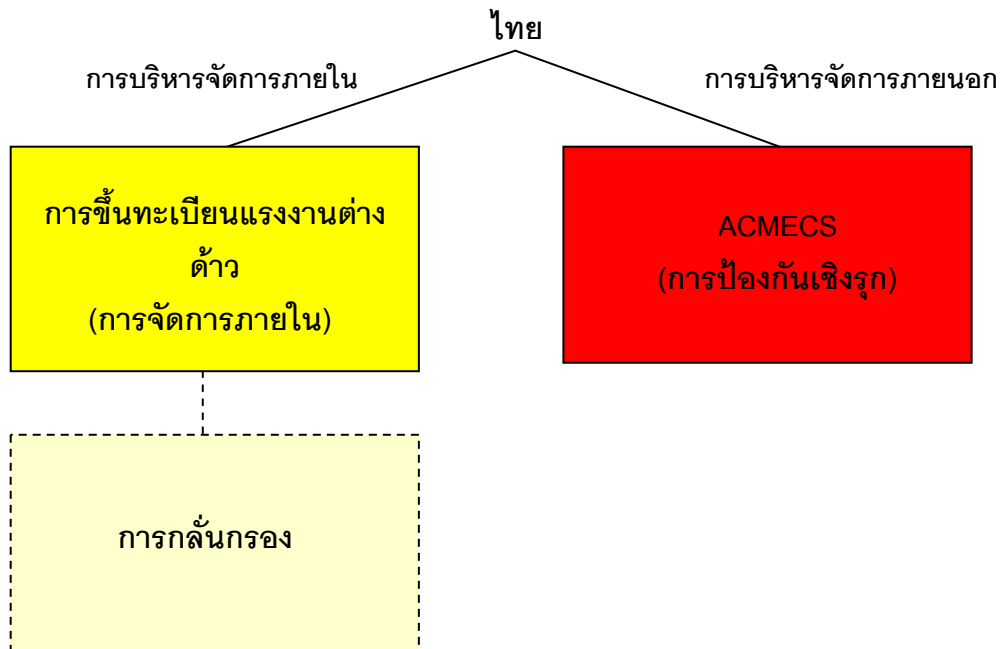
รูปแบบที่ 2 รูปแบบการแบ่งประเภทการบริหารจัดการการข้ามแดน



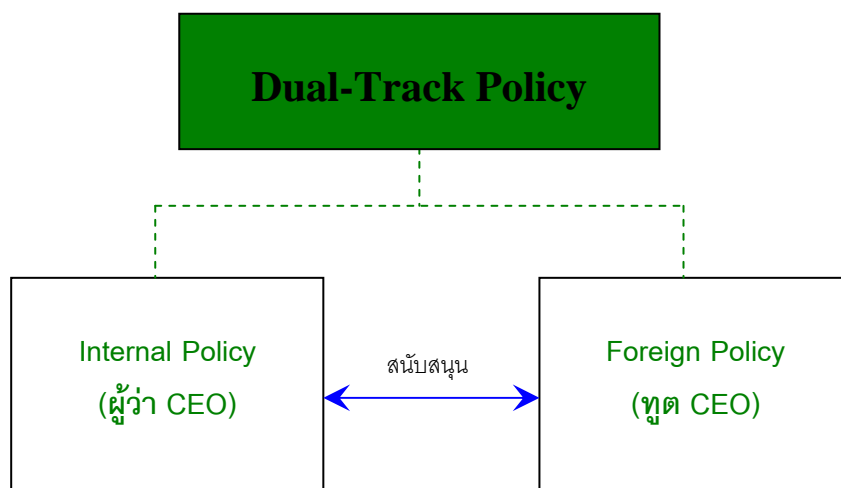
รูปแบบที่ 3 รูปแบบการบริหารจัดการการข้ามแดนของสหรัฐฯ



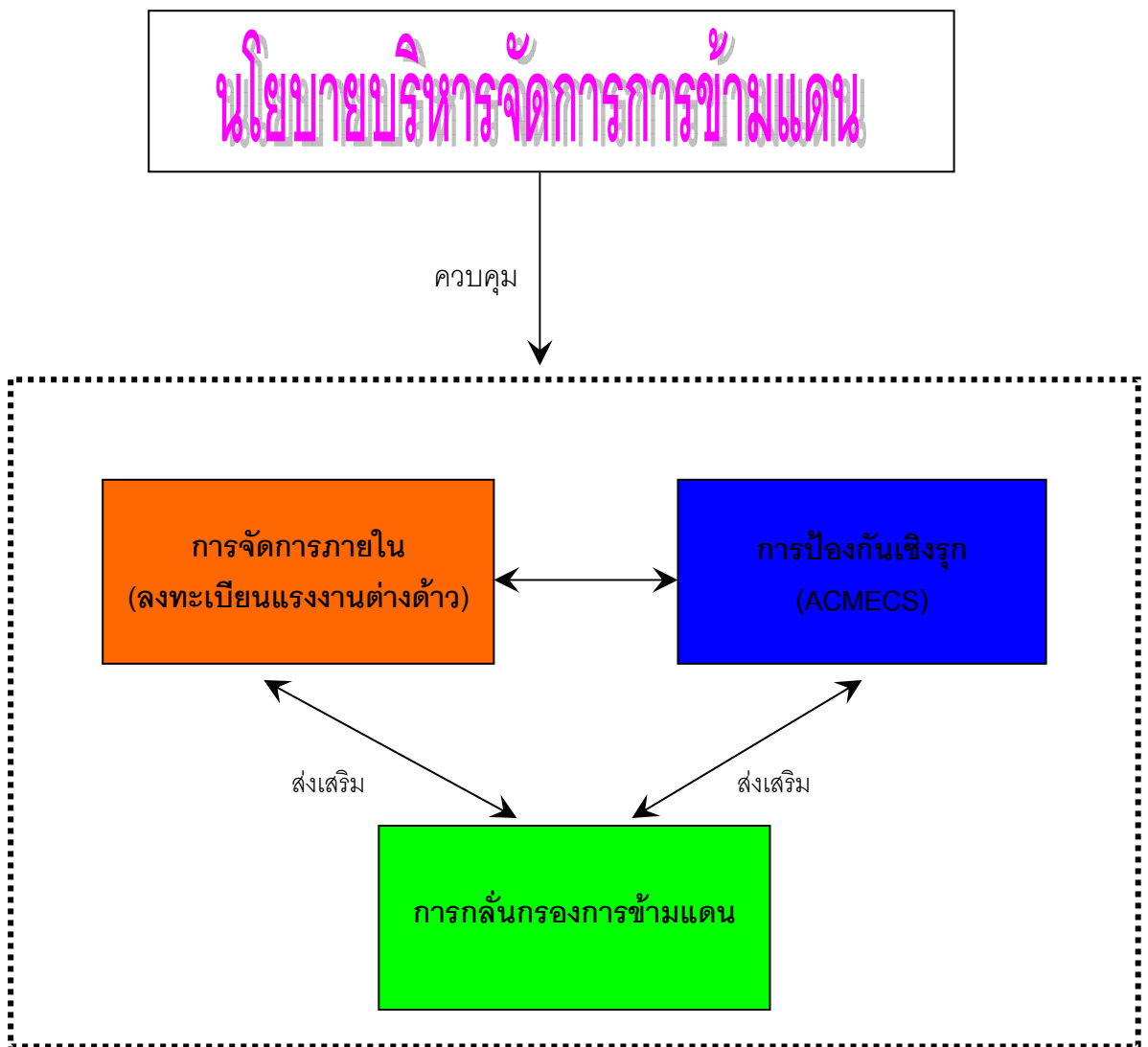
รูปแบบที่ 4 รูปแบบการบริหารจัดการการข้ามแดนของประเทศไทย



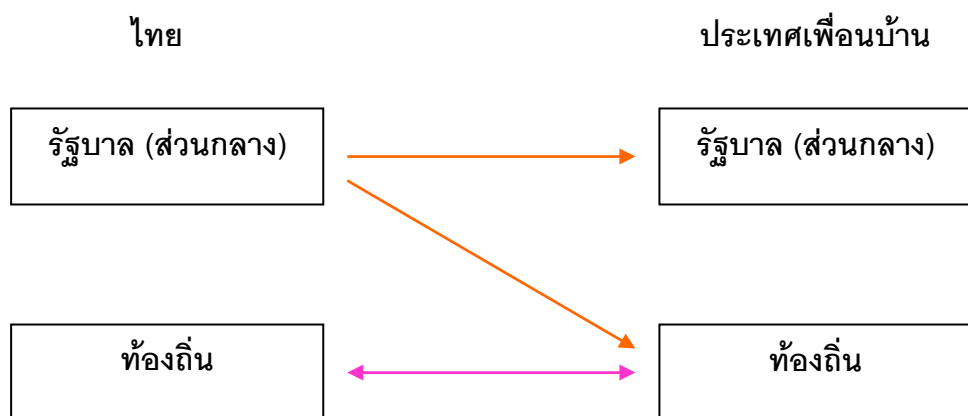
รูปแบบที่ 5 รูปแบบการดำเนินนโยบายแบบคู่ขนาน



รูปแบบที่ 6 รูปแบบเสนอแนะการจัดทำนโยบายบริหารจัดการการข้ามแดน



รูปแบบที่ 7 รูปแบบเสนอแนะการบริหารจัดการการข้ามแดนที่เหมาะสมของประเทศไทย





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Smart Border: 22 point agreement

U.S. - Mexico Border Partnership Action Plan

Secure Infrastructure

1. Long Term Planning
Develop and implement a long-term strategic plan that ensures a coordinated physical and technological infrastructure that keeps pace with growing cross-border traffic.
2. Relief of Bottlenecks
Develop a prioritized list of infrastructure projects and take immediate action to relieve bottlenecks.
3. Infrastructure Protection
Conduct vulnerability assessments of trans-border infrastructure and communications and transportation networks to identify and take required protective measures.
4. Harmonize Port of Entry Operations
Synchronize hours of operation, infrastructure improvements, and traffic flow management at adjoining ports of entry on both sides of the U.S.-Mexico border.
5. Demonstration Projects
Establish prototype smart port of entry operations.
6. Cross-Border Cooperation
Revitalize existing bilateral coordination mechanisms at the local, state, and federal levels with a specific focus on operations at border crossing points.
7. Financing projects at the border
Explore joint financing mechanism to meet the main development and infrastructure needs.

Secure Flow of People

8. Pre-Cleared Travelers
Expand the use of the Secure Electronic Network for Traveler's Rapid Inspection (SENTRI) dedicated commuter lanes at high-volume ports of entry along the U.S.-Mexico border.
9. Advanced Passenger Information
Establish a joint advance passenger information exchange mechanism for flights between Mexico and U.S. and other relevant flights.
10. NAFTA Travel
Explore methods to facilitate the movement of NAFTA travellers, including dedicated lanes at high-volume airports
11. Safe borders and deterrence of alien smuggling
Reaffirm mutual commitment to the Border Safety Initiative and action plan for cooperation on border safety, established in June 2001. Enhance authorities and specialized institutions to assist, save and advise migrants, as well as those specialized on curbing the smuggling of people. Expand Alien Smuggling and Trafficking Task Force. Establish a law enforcement liaison framework to enhance cooperation between U.S. and Mexican federal agencies along the U.S. – Mexico border.
12. Visa Policy Consultations
Continue frequent consultations on visa policies and visa screening procedures. Share information from respective consular databases.
13. Joint Training
Conduct joint training in the areas of investigation and document analysis to enhance abilities to detect fraudulent documents and break up alien smuggling rings.
14. Compatible Databases
Develop systems for exchanging information and sharing intelligence.
15. Screening of Third-Country Nationals
Enhance cooperative efforts to detect, screen, and take appropriate measures to deal with potentially dangerous third-country nationals, taking into consideration the threats they may represent to security.

Secure Flow of Goods

16. Public/Private-Sector Cooperation
Expand partnerships with private sector trade groups and importers/exporters to increase security and compliance of commercial shipments, while expediting clearance processes.

17. **Electronic Exchange of Information**
Continue to develop and implement joint mechanisms for the rapid exchange of customs data.
18. **Secure In-Transit Shipments**
Continue to develop a joint in-transit shipment tracking mechanism and implement the Container Security Initiative
19. **Technology Sharing**
Develop a technology sharing program to allow deployment of high technology monitoring devices such as electronic seals and license plate readers.
20. **Secure Railways**
Continue to develop a joint rail imaging initiative at all rail crossing locations on the U.S.-Mexico border.
21. **Combating Fraud**
Expand the ongoing Bilateral Customs Fraud Task Force initiative to further joint investigative activities.
22. **Contraband Interdiction**
Continue joint efforts to combat contraband, including illegal drugs, drug proceeds, firearms, and other dangerous materials, and to prevent money laundering.

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One Hundred Ninth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,
the third day of January, two thousand and six*

An Act

To establish operational control over the international land and maritime borders
of the United States.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Secure Fence Act of 2006”.

SEC. 2. ACHIEVING OPERATIONAL CONTROL ON THE BORDER.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, to include the following—

(1) systematic surveillance of the international land and maritime borders of the United States through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras; and

(2) physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by United States Customs and Border Protection, such as additional checkpoints, all weather access roads, and vehicle barriers.

(b) OPERATIONAL CONTROL DEFINED.—In this section, the term “operational control” means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

(c) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report on the progress made toward achieving and maintaining operational control over the entire international land and maritime borders of the United States in accordance with this section.

SEC. 3. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

Section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103 note) is amended—

H. R. 6061—2

(1) in the subsection heading by striking “NEAR SAN DIEGO, CALIFORNIA”; and

(2) by amending paragraph (1) to read as follows:

“(1) SECURITY FEATURES.—

“(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall provide for least 2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors—

“(i) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

“(ii) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

“(iii) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

“(iv) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

“(v) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

“(B) PRIORITY AREAS.—With respect to the border described—

“(i) in subparagraph (A)(ii), the Secretary shall ensure that an interlocking surveillance camera system is installed along such area by May 30, 2007, and that fence construction is completed by May 30, 2008; and

“(ii) in subparagraph (A)(v), the Secretary shall ensure that fence construction from 15 miles northwest of the Laredo, Texas, port of entry to 15 southeast of the Laredo, Texas, port of entry is completed by December 31, 2008.

“(C) EXCEPTION.—If the topography of a specific area has an elevation grade that exceeds 10 percent, the Secretary may use other means to secure such area, including the use of surveillance and barrier tools.”.

SEC. 4. NORTHERN BORDER STUDY.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a study on the feasibility of a state-of-the-art infrastructure security system along the northern international land and maritime border of the United States and shall include in the study—

(1) the necessity of implementing such a system;

(2) the feasibility of implementing such a system; and

(3) the economic impact implementing such a system will have along the northern border.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains the results of the study conducted under subsection (a).

**SEC. 5. EVALUATION AND REPORT RELATING TO CUSTOMS AUTHORITY
TO STOP CERTAIN FLEEING VEHICLES.**

(a) EVALUATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) evaluate the authority of personnel of United States Customs and Border Protection to stop vehicles that enter the United States illegally and refuse to stop when ordered to do so by such personnel, compare such Customs authority with the authority of the Coast Guard to stop vessels under section 637 of title 14, United States Code, and make an assessment as to whether such Customs authority should be expanded;

(2) review the equipment and technology available to United States Customs and Border Protection personnel to stop vehicles described in paragraph (1) and make an assessment as to whether or not better equipment or technology is available or should be developed; and

(3) evaluate the training provided to United States Customs and Border Protection personnel to stop vehicles described in paragraph (1).

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains the results of the evaluation conducted under subsection (a).

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

COMMERCIAL ZONES UNITED STATES/MEXICO PORTS OF ENTRY

Commercial zones, unless otherwise defined, are determined through a formula dependent upon the population of the municipality (49 CFR 372, Subpart B). The commercial zones for all United States/Mexico ports of entry allow for transportation from the corporate limits of the municipality as follows:


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Limits	Location	Population	Commercial Zone
Arizona	Douglas	13,270	4 miles
Arizona	Lukeville	65	3 miles
Arizona	Naco	1,000	3 miles
Arizona	Nogales	19,745	4 miles
Arizona	San Luis	6,405	4 miles
Arizona	Sasabe	37	3 miles
California	Andrade	20	3 miles
California	Calexico	22,246	4 miles
California	Otay Mesa	Unknown	20 miles
California	San Diego	1,110,500	20 miles
California	Tecate	212	20 miles (Considered a part of the San Diego commercial zone.)
New Mexico	Columbus	N/A	The area comprised of Dona Ana and Luna counties.
New Mexico	Santa Teresa	Unknown	The area comprised of Dona Ana and Luna counties.
Texas	Brownsville	266,600 (Population based upon Brownsville-Harlingen metropolitan area.)	(see note #1)
Texas	Del Rio	30,705	6 miles
Texas	Eagle Pass	20,651	4 miles
Texas	El Paso	592,400	15 miles
Texas	Fabens	1,599	3 miles
Texas	Hidalgo	384,800 (Population based upon McAllen-Edinburg-Mission metropolitan area.)	(see note #1)
Texas	Laredo	126,300	8 miles
Texas	Presidio	3,072	4 miles

Texas	Progreso	1,951	(see note #1)
Texas	Rio Grande City	9,891	(see note #1)
Texas	Roma	8,059	(see note #1)

Note #1 Cameron, Hidalgo, Starr and Willacy Counties, Texas

Transportation within a zone comprised of Cameron, Hidalgo, Starr and Willacy Counties, Texas, by motor carriers of property, in interstate or foreign commerce, not under common control, management, or arrangement for shipments to or from points beyond such zone, is partially exempt from regulation under 49 U.S.C. §13506.

To the extent that commercial zones of municipalities within the above four counties extend beyond the boundaries of such commercial zones, they shall be considered to be part of the zone and partially exempt from regulation under 49 U.S.C. §13506.



U.S. Department
of Transportation



Bureau of
Transportation Statistics

Border Crossing US-Mexico Border Crossing Data

Table 1 - Incoming Truck Crossings, U.S.-Mexican Border

Arizona, California, New Mexico and Texas

1994-2003

Port Name	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Arizona, Total	282,482	296,342	324,235	332,691	349,194	348,322	344,265	336,090	311,907	313,250
Douglas, AZ	37,140	36,272	38,089	35,718	35,656	32,568	33,594	31,520	24,362	26,122
Lukeville, AZ	2,498	2,673	2,682	3,671	3,769	4,291	3,840	4,357	1,552	821
Naco, AZ	5,240	5,613	6,057	6,575	8,197	7,766	9,137	8,949	4,078	3,643
Nogales, AZ	191,902	206,032	229,337	242,830	258,828	256,426	254,694	249,237	242,237	243,365
Sasabe, AZ	1,230	1,297	1,417	1,546	2,131	2,442	2,652	1,995	2,007	1,324
San Luis, AZ	44,472	44,455	46,653	42,351	40,613	44,829	40,348	40,032	37,671	37,975
California, Total	657,457	666,866	754,636	837,448	865,569	969,097	1,031,546	^R1,027,815	1,067,411	1,019,908
Andrade, CA	3,678	3,732	3,983	2,647	2,160	1,359	1,517	1,767	2,075	2,253
Calexico, CA*	178,428	175,983	170,526	33,611	2	U	U	U	U	U
Calexico East, CA	U	U	U	166,198	206,218	261,545	278,811	^R 256,715	276,390	261,140
Otay Mesa/San Ysidro, CA	439,654	445,770	530,704	567,715	606,384	646,587	688,340	708,446	731,291	697,152
Tecate, CA	35,697	41,381	49,423	67,277	50,805	59,606	62,878	60,887	57,655	59,363
New Mexico, Total	1,229	2,446	20,843	34,826	30,974	29,473	36,491	34,216	32,603	33,263
Columbus, NM	1,229	2,446	2,380	2,305	3,886	5,271	4,545	4,396	4,652	4,589
Santa Teresa, NM	NA	NA	18,463	32,521	27,088	24,202	31,946	29,820	27,951	28,674
Texas, Total	1,821,952	1,894,971	2,154,370	2,484,700	2,700,806	3,011,229	3,113,277	2,906,838	3,014,672	2,871,624
Brownsville, TX	267,316	223,689	226,367	247,578	276,779	303,540	299,238	251,613	248,869	229,389
Del Rio, TX	33,462	37,431	39,720	45,059	53,623	58,843	61,228	59,942	72,039	65,609
Eagle Pass, TX	57,012	53,026	57,622	71,656	90,822	101,140	106,892	97,658	89,856	88,272
El Paso, TX	573,933	606,742	556,134	582,707	605,980	673,003	720,406	660,583	705,199	659,614
Fabens, TX	525	249	136	168	165	170	214	108	NA	NA
Hidalgo, TX	164,900	177,459	205,028	234,800	266,547	325,225	374,150	368,395	390,282	406,064
Laredo, TX	667,907	747,241	1,015,905	1,251,365	1,352,198	1,486,489	1,493,073	1,403,914	1,441,653	1,354,229
Presidio, TX	4,744	4,328	3,102	4,752	7,417	8,848	8,734	7,104	6,605	5,720
Progreso, TX	23,423	20,838	23,521	18,926	15,503	16,617	12,001	19,844	23,886	19,571
Rio Grande City, TX	16,720	12,668	14,084	16,130	17,872	20,832	24,065	25,724	26,330	35,523
Roma, TX	12,010	11,300	12,751	11,559	13,900	16,522	13,276	11,953	9,953	7,633
U.S. - Mexico Border Total	2,763,120	2,860,625	3,254,084	3,689,665	3,946,543	4,358,121	4,525,579	^R4,304,959	4,426,593	4,238,045

Key:

NA: Data are not applicable or may be unavailable

U: Data are unavailable

R: Data are revised

Data represent the number of truck crossings, not the number of unique vehicles, and include both loaded and unloaded trucks.

* Data for the port of Calexico are typically reported as a combined total with Calexico East.

Source: U.S. DOT, BTS based on data from U.S. Customs Service, Mission Support Services, Office of Field Operations, Operations Management Database.

Table 2 - Incoming Truck Container (Loaded) Crossings, U.S.-Mexican Border

Arizona, California, New Mexico and Texas

1996-2003

Port Name	1996	1997	1998	1999	2000	2001	2002	2003
Arizona, Total	192,179	199,129	226,562	242,075	232,605	^R 231,477	227,245	232,446
Douglas, AZ	8,703	10,186	14,952	14,745	17,428	16,648	13,769	14,977
Lukeville, AZ	282	249	291	451	306	304	219	75
Naco, AZ	3,767	2,860	3,902	5,886	3,976	4,809	2,655	1,873
Nogales, AZ	155,146	165,801	187,057	200,358	191,381	187,963	189,208	194,904
Sasabe, AZ	629	661	610	891	590	^R 1,000	628	758
San Luis, AZ	23,652	19,372	19,750	19,744	18,924	20,753	20,766	19,859
California, Total	364,189	409,294	440,535	453,952	510,413	524,083	580,456	611,456
Andrade, CA	1,175	1,060	1,005	894	867	1,191	1,255	1,500
Calexico, CA*	69,368	33,255	U	U	5,350	U	U	U
Calexico East, CA	U	47,091	91,228	103,579	101,195	126,294	166,732	189,306
Otay Mesa/San Ysidro, CA	270,565	299,436	318,156	316,577	370,707	365,001	380,123	388,522
Tecate, CA	23,081	28,452	30,146	32,902	32,294	31,597	32,346	32,128
New Mexico, Total	8,208	21,568	23,493	24,507	24,087	20,751	22,998	24,653
Columbus, NM	1,496	666	3,339	3,836	3,306	3,153	3,544	3,621
Santa Teresa, NM	6,712	20,902	20,154	20,671	20,781	17,598	19,454	21,032
Texas, Total	1,138,826	1,112,423	1,300,778	1,589,282	1,582,995	1,595,814	1,692,375	^R 1,731,464
Brownsville, TX	113,868	121,913	121,243	138,995	131,790	121,262	122,352	118,981
Del Rio, TX	28,053	30,335	32,000	36,649	39,190	40,581	47,230	47,492
Eagle Pass, TX	34,582	43,161	51,015	57,039	59,909	54,869	54,810	54,838
El Paso, TX	280,867	297,663	256,236	360,982	361,412	360,517	382,193	368,562
Fabens, TX	NA	NA	NA	NA	NA	NA	NA	NA
Hidalgo, TX	93,660	114,023	165,838	204,995	199,374	227,361	244,363	275,112
Laredo, TX	563,145	477,545	648,147	756,045	757,978	757,574	807,291	825,626
Presidio, TX	2,018	3,262	4,020	5,012	5,813	3,932	3,607	^R 3,836
Progreso, TX	8,142	7,832	3,708	4,657	3,593	3,969	3,644	2,296
Rio Grande City, TX	9,284	10,914	10,413	14,627	16,581	18,988	21,233	30,313
Roma, TX	5,207	5,775	8,158	10,281	7,355	6,761	5,652	4,408
U.S. - Mexico Border Total	1,703,402	1,742,414	1,991,368	2,309,816	2,350,100	^R 2,372,125	2,523,074	^R 2,600,019

Key:

NA: Data are not applicable or may be unavailable

U: Data are unavailable

R: Data are revised

* Data for the port of Calexico are typically reported as a combined total with Calexico East.

Source: U.S. DOT, BTS based on data from U.S. Customs Service, Mission Support Services, Office of Field Operations, Operations Management Database.

Table 3 - Incoming Truck Container (Unloaded) Crossings, U.S.-Mexican Border

Arizona, California, New Mexico and Texas

1996-2003

Port Name	1996	1997	1998	1999	2000	2001	2002	2003
Arizona, Total	88,820	91,133	91,623	84,920	89,555	^R 95,543	87,841	78,502
Douglas, AZ	13,811	13,119	14,106	11,720	11,948	12,078	8,489	8,640
Lukeville, AZ	530	664	444	251	285	785	1,371	752
Naco, AZ	1,812	1,714	2,502	2,222	1,955	2,667	1,455	1,772
Nogales, AZ	55,413	63,044	63,829	56,021	63,363	61,699	58,982	48,862
Sasabe, AZ	539	620	653	952	625	^R 1,000	829	972
San Luis, AZ	16,715	11,972	10,089	13,754	11,379	17,314	16,715	17,504
California, Total	367,168	412,382	420,149	408,508	436,898	490,255	496,543	479,733
Andrade, CA	2,845	1,732	1,038	907	435	607	737	989
Calexico, CA*	84,043	37,075	U	U	4,195	U	U	U
Calexico East, CA	U	51,585	95,750	103,910	90,602	109,445	124,384	128,403
Otay Mesa/San Ysidro, CA	259,257	296,443	296,106	276,550	310,706	350,846	346,195	323,004
Tecate, CA	21,023	25,547	27,255	27,141	30,960	29,357	25,227	27,337
New Mexico, Total	4,308	7,379	8,206	8,950	11,420	12,131	8,738	7,386
Columbus, NM	693	141	1,047	1,326	1,411	1,220	1,105	959
Santa Teresa, NM	3,615	7,238	7,159	7,624	10,009	10,911	7,633	6,427
Texas, Total	904,079	1,051,701	1,201,580	1,414,693	1,312,708	1,318,278	1,318,245	1,127,586
Brownsville, TX	111,788	126,342	160,090	161,549	167,881	133,039	124,695	106,460
Del Rio, TX	9,437	11,102	16,364	21,629	22,036	21,084	21,037	14,484
Eagle Pass, TX	21,234	33,376	43,473	43,525	46,986	42,785	34,823	33,434
El Paso, TX	287,479	296,006	163,036	305,394	326,812	306,638	332,738	296,860
Fabens, TX	NA	NA	NA	NA	NA	NA	NA	NA
Hidalgo, TX	42,448	60,140	96,186	117,408	132,993	136,777	142,622	130,126
Laredo, TX	404,771	504,214	697,298	737,198	593,793	647,109	630,289	519,473
Presidio, TX	1,010	1,432	3,376	3,846	2,929	3,206	2,806	1,228
Progreso, TX	15,362	10,770	11,671	13,330	8,408	15,992	20,233	17,213
Rio Grande City, TX	3,155	2,606	4,357	4,847	5,268	6,504	4,781	4,852
Roma, TX	7,395	5,713	5,729	5,967	5,602	5,144	4,221	3,456
U.S. - Mexico Border Total	1,364,375	1,562,595	1,721,558	1,917,071	1,850,581	^R 1,916,207	1,911,367	1,693,207

Key:

NA: Data are not applicable or may be unavailable

U: Data are unavailable

R: Data are revised

* Data for the port of Calexico are typically reported as a combined total with Calexico East.

Source: U.S. DOT, BTS based on data from U.S. Customs Service, Mission Support Services, Office of Field Operations, Operations Management Database.

Table 4 - Incoming Train Crossings, U.S.-Mexican Border

Arizona, California, New Mexico and Texas

1994-2003

Port Name	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Arizona, Total	492	456	533	560	531	587	774	635	607	457
Douglas, AZ	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Lukeville, AZ	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Naco, AZ	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Nogales, AZ	492	456	533	560	531	587	774	635	607	457
Sasabe, AZ	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
San Luis, AZ	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
California, Total	486	708	511	508	449	550	522	628	578	509
Andrade, CA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Calexico, CA*	296	264	255	43	U	U	U	U	U	U
Calexico East, CA	U	U	U	199	227	249	241	246	248	230
Otay Mesa/San Ysidro, CA	185	436	241	246	193	223	204	232	230	230
Tecate, CA	5	8	15	20	29	78	77	150	100	49
New Mexico, Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Columbus, NM	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Santa Teresa, NM	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Texas, Total	7,748	8,268	6,465	6,610	4,701	4,882	5,812	6,206	6,572	6,808
Brownsville, TX	593	631	726	613	631	663	694	803	964	1,045
Del Rio, TX	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Eagle Pass, TX	976	1,180	1,334	1,254	1,265	1,322	1,448	1,676	1,718	1,624
El Paso, TX	884	1,431	780	889	644	621	970	785	620	629
Fabens, TX	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hidalgo, TX	NA	NA	267	1,399	NA	NA	NA	NA	NA	NA
Laredo, TX	5,240	4,925	3,206	2,400	2,141	2,276	2,700	2,941	3,270	3,510
Presidio, TX	55	101	152	55	20	NA	NA	1	U	U
Progreso, TX	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Rio Grande City, TX	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Roma, TX	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
U.S. - Mexico Border Total	8,726	9,432	7,509	7,678	5,681	6,019	7,108	7,469	7,757	7,774

Key:

NA: Data are not applicable or may be unavailable

U: Data are unavailable

* Data for the port of Calexico are typically reported as a combined total with Calexico East.

Source: U.S. DOT, BTS based on data from U.S. Customs Service, Mission Support Services, Office of Field Operations, Operations Management Database.

Table 5 - Incoming Rail Container (Full) Crossings, U.S.-Mexican Border

Arizona, California, New Mexico and Texas

1994-2003

Port Name	1996	1997	1998	1999	2000	2001	2002	2003
Arizona, Total	13,430	15,539	20,528	19,466	25,249	35,716	31,789	24,602
Douglas, AZ	NA	NA	49	NA	NA	NA	NA	NA
Lukeville, AZ	NA	NA	NA	NA	NA	NA	NA	NA
Naco, AZ	NA	NA	NA	NA	NA	NA	NA	NA
Nogales, AZ	13,430	15,539	20,479	19,466	25,249	35,716	31,789	24,602
Sasabe, AZ	NA	NA	NA	NA	NA	NA	NA	NA
San Luis, AZ	NA	NA	NA	NA	NA	NA	NA	NA
California, Total	1,236	1,252	1,574	2,515	1,565	2,243	2,104	1,193
Andrade, CA	NA	NA	NA	NA	NA	NA	NA	NA
Calexico, CA*	1,226	675	U	U	U	30	U	U
Calexico East, CA	U	440	1,294	1,609	1,398	908	460	950
Otay Mesa/San Ysidro, CA	10	137	280	906	167	2	9	11
Tecate, CA	NA	NA	NA	NA	NA	1,303	1,635	232
New Mexico, Total	NA	NA	NA	NA	NA	NA	NA	NA
Columbus, NM	NA	NA	NA	NA	NA	NA	NA	NA
Santa Teresa, NM	NA	NA	NA	NA	NA	NA	NA	NA
Texas, Total	127,570	139,273	153,388	204,033	239,421	228,613	235,657	240,674
Brownsville, TX	11,640	8,273	8,396	17,487	13,363	7,560	7,838	9,992
Del Rio, TX	NA	NA	NA	NA	NA	NA	NA	NA
Eagle Pass, TX	37,820	36,071	39,236	45,571	40,898	16,237	15,390	11,996
El Paso, TX	8,208	8,599	10,254	9,177	10,721	17,337	18,364	21,002
Fabens, TX	NA	NA	NA	NA	NA	NA	NA	NA
Hidalgo, TX	NA	NA	80	NA	NA	NA	NA	NA
Laredo, TX	69,204	84,488	95,204	131,798	174,439	187,479	194,065	197,684
Presidio, TX	698	1,842	104	NA	NA	NA	NA	NA
Progreso, TX	NA	NA	NA	NA	NA	NA	NA	NA
Rio Grande City, TX	NA	NA	114	NA	NA	NA	NA	NA
Roma, TX	NA	NA	NA	NA	NA	NA	NA	NA
U.S. - Mexico Border Total	142,236	156,064	175,490	226,014	266,235	266,572	269,550	266,469

Key:

NA: Data are not applicable or may be unavailable

U: Data are unavailable

* Data for the port of Calexico are typically reported as a combined total with Calexico East.

Source: U.S. DOT, BTS based on data from U.S. Customs Service, Mission Support Services, Office of Field Operations, Operations Management Database.

Table 6 - Incoming Rail Containers (Empty) Crossings, U.S.-Mexican Border

Arizona, California, New Mexico and Texas

1994-2003

Port Name	1996	1997	1998	1999	2000	2001	2002	2003
Arizona, Total	11,922	12,944	15,284	14,226	25,353	22,951	20,447	21,083
Douglas, AZ	NA	NA	57	NA	NA	NA	NA	NA
Lukeville, AZ	NA	NA	NA	NA	NA	NA	NA	NA
Naco, AZ	NA	NA	NA	NA	NA	NA	NA	NA
Nogales, AZ	11,922	12,944	15,227	14,226	25,353	22,951	20,447	21,083
Sasabe, AZ	NA	NA	NA	NA	NA	NA	NA	NA
San Luis, AZ	NA	NA	NA	NA	NA	NA	NA	NA
California, Total	8,006	6,583	6,181	7,771	7,550	8,375	8,963	9,509
Andrade, CA	NA	NA	NA	NA	NA	NA	NA	NA
Calexico, CA*	4,782	2,532	9	U	9	81	U	U
Calexico East, CA	U	1,616	3,982	4,974	4,191	4,552	5,089	5,974
Otay Mesa/San Ysidro, CA	3,224	2,435	2,190	2,797	3,350	3,451	3,539	3,430
Tecate, CA	NA	NA	NA	NA	NA	NA	NA	NA
New Mexico, Total	NA	NA	NA	NA	NA	NA	NA	NA
Columbus, NM	NA	NA	NA	NA	NA	NA	NA	NA
Santa Teresa, NM	NA	NA	NA	NA	NA	NA	NA	NA
Texas, Total	124,199	154,346	190,951	252,363	272,687	284,754	303,362	310,414
Brownsville, TX	39,248	48,507	47,509	102,103	126,440	94,227	88,753	88,630
Del Rio, TX	NA	NA	NA	NA	NA	NA	NA	NA
Eagle Pass, TX	23,740	25,677	39,068	44,899	53,215	76,871	82,846	76,333
El Paso, TX	13,657	15,869	22,339	23,506	24,102	27,200	29,046	29,891
Fabens, TX	NA	NA	NA	NA	NA	NA	NA	NA
Hidalgo, TX	NA	NA	286	NA	NA	NA	NA	NA
Laredo, TX	46,700	63,863	81,507	81,855	68,930	86,456	102,717	115,560
Presidio, TX	854	430	221	NA	NA	NA	NA	NA
Progreso, TX	NA	NA	NA	NA	NA	NA	NA	NA
Rio Grande City, TX	NA	NA	21	NA	NA	NA	NA	NA
Roma, TX	NA	NA	NA	NA	NA	NA	NA	NA
U.S. - Mexico Border Total	144,127	173,873	212,416	274,360	305,590	316,080	332,772	341,006

Key:

NA: Data are not applicable or may be unavailable

U: Data are unavailable

Data for the port of Calexico are typically reported as a combined total with Calexico East.

Source: U.S. DOT, BTS based on data from U.S. Customs Service, Mission Support Services, Office of Field Operations, Operations Management Database.

Table 7 - Incoming Passenger Crossings on Trains, U.S.-Mexican Border

Arizona, California, New Mexico and Texas

1994-2003

Port Name	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Arizona, Total	NA	NA	NA	NA	NA	900	4,752	2,648	2,216	1,664
Douglas, AZ	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Lukeville, AZ	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Naco, AZ	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Nogales, AZ	NA	NA	NA	NA	NA	900	4,752	2,648	2,216	1,664
Sasabe, AZ	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
San Luis, AZ	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
California, Total	1,941	6,134	5,579	6,378	7,591	9,581	5,522	7,204	4,154	2,072
Andrade, CA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Calexico, CA*	917	1,848	1,728	301	U	U	9	U	U	U
Calexico East, CA	U	U	U	1,253	1,589	1,743	1,687	1,722	1,934	1,456
Otay Mesa/San Ysidro, CA	159	1,411	480	490	386	446	408	464	460	460
Tecate, CA	865	2,875	3,371	4,334	5,616	7,392	3,418	5,018	1,760	156
New Mexico, Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Columbus, NM	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Santa Teresa, NM	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Texas, Total	2,604	7,088	5,706	5,126	5,100	5,688	7,980	9,043	8,738	8,365
Brownsville, TX	2,156	2,089	NA	NA	NA	NA	NA	NA	NA	NA
Del Rio, TX	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Eagle Pass, TX	286	4,720	5,336	5,016	5,060	5,288	5,792	6,704	6,872	6,496
El Paso, TX	NA	NA	NA	NA	NA	360	2,188	2,337	1,866	1,869
Fabens, TX	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hidalgo, TX	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Laredo, TX	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Presidio, TX	162	279	370	110	40	NA	NA	2	U	U
Progreso, TX	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Rio Grande City, TX	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Roma, TX	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
U.S. - Mexico Border Total	4,545	13,222	11,285	11,504	12,691	16,169	18,254	18,895	15,108	12,101

Key:

NA: Data are not applicable or may be unavailable

U: Data are unavailable

* Data for the port of Calexico are typically reported as a combined total with Calexico East.

Source: U.S. DOT, BTS based on data from U.S. Customs Service, Mission Support Services, Office of Field Operations, Operations Management Database.

Table 8 - Incoming Personal Vehicle Crossings, U.S.-Mexican Border

Arizona, California, New Mexico and Texas

1994-2003

Port Name	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Arizona, Total	9,581,261	8,336,435	8,407,128	9,023,069	9,098,298	9,887,368	10,304,130	10,102,009	10,428,347	9,913,062
Douglas, AZ	2,173,220	1,827,277	1,915,119	1,991,904	2,028,032	2,150,092	2,252,216	2,103,271	2,321,534	2,091,251
Lukeville, AZ	248,919	266,366	265,471	381,918	394,144	501,345	400,493	436,523	442,094	413,042
Naco, AZ	275,128	261,056	289,683	294,493	303,993	326,640	339,196	336,662	337,433	339,663
Nogales, AZ	3,829,677	3,368,337	3,316,799	3,587,985	3,698,273	4,186,962	4,681,567	4,590,933	3,978,640	3,836,372
Sasabe, AZ	20,693	21,064	22,322	25,962	31,977	34,942	32,823	38,440	42,268	42,867
San Luis, AZ	3,033,624	2,592,335	2,597,734	2,740,807	2,641,879	2,687,387	2,597,835	2,596,180	3,306,378	3,189,867
California, Total	13,773,102	12,224,347	11,116,296	26,860,599	29,124,779	30,616,346	30,017,981	30,160,277	31,945,973	32,674,582
Andrade, CA	522,953	534,389	557,179	553,874	579,552	612,147	606,863	603,027	723,530	704,294
Calexico, CA*	8,440,912	7,081,042	6,138,688	6,469,607	6,957,454	6,836,372	6,744,970	6,374,425	5,930,632	5,261,985
Calexico East, CA	U	U	U	1,781,749	1,785,602	2,203,291	2,550,625	3,080,540	3,504,005	3,102,398
Otay Mesa/San Ysidro, CA	3,745,144	3,549,378	3,377,407	3,800,936	4,326,786	4,480,026	4,845,348	3,956,842	4,140,610	4,912,899
San Ysidro, CA	U	U	U	13,213,420	14,474,686	15,269,561	15,237,428	15,001,616	16,441,766	17,408,481
Tecate, CA	1,064,093	1,059,538	1,043,022	1,041,013	1,000,699	1,214,949	1,163,471	1,143,827	1,205,430	1,284,525
New Mexico, Total	296,005	346,192	468,306	399,351	383,627	458,393	467,019	574,005	765,330	650,025
Columbus, NM	296,005	346,192	387,395	329,733	313,587	384,578	383,722	369,206	387,487	356,568
Santa Teresa, NM	NA	NA	80,911	69,618	70,040	73,815	83,297	204,799	377,843	293,457
Texas, Total	42,759,186	40,878,097	42,437,643	43,769,959	45,247,787	48,507,638	50,367,666	48,690,666	46,709,765	44,830,722
Brownsville, TX	6,047,628	5,768,397	6,073,623	6,161,471	6,512,784	7,579,231	7,877,255	7,548,394	7,896,809	7,219,865
Del Rio, TX	1,611,828	1,604,880	1,770,666	1,853,091	1,900,700	2,054,057	1,968,712	1,956,047	2,094,729	1,909,639
Eagle Pass, TX	2,690,317	2,478,366	2,630,508	2,637,610	2,778,819	3,029,861	3,357,677	3,402,659	3,743,893	3,573,651
El Paso, TX	15,887,942	16,004,344	15,095,553	15,089,692	15,212,062	16,001,926	16,697,439	16,135,835	13,095,153	13,699,206
Fabens, TX	604,109	597,370	627,481	652,739	582,008	699,004	705,623	733,819	735,983	658,831
Hidalgo, TX	5,807,589	5,630,431	6,098,540	6,604,555	7,126,677	8,319,581	8,779,691	7,549,907	8,136,100	7,169,629
Laredo, TX	6,941,040	5,782,659	6,792,925	7,409,721	7,524,347	6,894,982	7,151,127	7,454,330	6,921,709	6,777,423
Presidio, TX	545,009	492,835	578,171	613,455	653,818	735,297	723,560	760,809	739,763	701,921
Progreso, TX	929,536	922,826	1,023,263	994,252	1,064,961	1,151,050	1,086,496	1,134,782	1,214,011	1,151,174
Rio Grande City, TX	537,514	500,664	571,819	563,160	667,071	714,130	687,550	675,856	740,449	706,230
Roma, TX	1,156,674	1,095,325	1,175,094	1,190,213	1,224,540	1,328,519	1,332,536	1,338,228	1,391,166	1,263,153
U.S. - Mexico Border Total	66,409,554	61,785,071	62,429,373	80,052,978	83,854,491	89,469,745	91,156,796	89,526,957	89,849,415	88,068,391

Key:

NA: Data are not applicable or may be unavailable

U: Data are unavailable

* San Ysidro and Otay Mesa are combined under the heading of San Ysidro for 1994-1996

Source: U.S. DOT, BTS based on data from U.S. Customs Service, Mission Support Services, Office of Field Operations, Operations Management Database.

Table 9 - Incoming Passenger Crossings in Personal Vehicles, U.S.-Mexican Border

Arizona, California, New Mexico and Texas

1994-2003

Port Name	1995	1996	1997	1998	1999	2000	2001	2002	2003
Arizona, Total	21,560,000	21,474,592	23,182,567	23,974,390	25,221,458	26,856,458	23,726,701	26,895,469	24,424,403
Douglas, AZ	4,202,735	4,404,773	4,803,469	5,577,088	5,912,753	6,193,596	5,203,890	7,797,492	5,007,082
Lukeville, AZ	728,531	727,390	1,046,450	1,079,949	1,373,679	1,125,638	1,283,988	1,292,155	1,195,838
Naco, AZ	681,988	700,534	765,688	790,380	849,260	881,911	818,797	927,393	1,629,654
Nogales, AZ	9,411,102	9,089,520	9,647,457	9,857,132	10,489,147	11,501,672	9,876,703	8,888,684	9,643,835
Sasabe, AZ	54,805	58,037	67,501	83,141	90,848	85,530	97,148	109,775	111,450
San Luis, AZ	6,480,839	6,494,338	6,852,002	6,586,700	6,505,771	7,068,111	6,446,175	7,879,970	6,836,544
California, Total	36,264,970	31,211,452	66,727,612	72,113,553	75,215,939	74,569,309	67,410,517	68,180,103	70,757,903
Andrade, CA	1,592,571	1,659,587	1,650,543	1,727,063	1,824,197	1,808,452	1,412,177	1,544,438	1,477,979
Calexico, CA*	20,721,307	18,296,272	19,241,319	20,733,213	20,372,381	20,094,460	15,007,725	12,106,876	10,144,416
Calexico East, CA	U	U	5,309,613	5,321,003	6,565,800	7,600,859	7,420,103	6,889,681	6,155,005
Otay Mesa/San Ysidro, CA	10,577,148	8,294,261	8,362,058	9,518,925	9,856,055	10,659,498	8,405,047	9,109,341	11,019,106
San Ysidro, CA	U	U	29,069,523	31,844,311	33,593,034	31,025,343	33,003,554	36,171,884	39,180,519
Tecate, CA	3,373,944	2,961,332	3,094,556	2,969,038	3,004,472	3,380,697	2,161,911	2,357,883	2,780,878
New Mexico, Total	502,347	704,934	594,816	578,441	1,305,526	1,582,972	1,354,477	1,687,047	1,620,337
Columbus, NM	502,347	583,569	490,706	473,380	1,172,445	1,414,791	896,272	915,379	1,014,385
Santa Teresa, NM	NA	121,365	104,110	105,061	133,081	168,181	458,205	771,668	605,952
Texas, Total	110,825,112	118,131,508	123,849,996	129,346,286	139,779,387	136,785,813	116,614,151	102,258,073	96,894,839
Brownsville, TX	14,421,002	15,184,067	15,404,435	16,188,721	18,948,078	19,693,130	16,951,901	15,820,595	15,673,205
Del Rio, TX	4,654,152	5,134,932	5,373,966	5,510,994	5,956,767	5,866,666	4,425,005	4,734,574	4,440,813
Eagle Pass, TX	6,145,231	6,089,264	6,594,028	6,911,826	7,574,656	8,594,198	8,506,655	9,187,598	8,285,854
El Paso, TX	36,736,780	41,483,220	43,155,367	44,114,982	46,397,134	48,420,274	39,200,481	26,363,164	26,317,018
Fabens, TX	1,846,924	1,892,287	1,966,078	1,666,701	2,102,675	2,116,881	1,892,674	1,709,575	1,383,547
Hidalgo, TX	23,864,739	21,070,912	23,318,753	24,943,370	29,118,835	21,947,731	17,713,609	17,613,527	15,587,611
Laredo, TX	13,875,476	16,932,272	17,638,438	18,810,878	17,237,500	17,877,845	17,282,264	15,915,545	15,208,606
Presidio, TX	1,354,721	1,589,971	1,687,001	1,797,898	2,022,068	1,900,683	1,822,312	1,775,433	1,684,610
Progreso, TX	2,390,119	2,650,250	2,575,114	2,758,249	3,264,099	3,321,066	3,019,075	3,019,260	2,805,267
Rio Grande City, TX	1,752,328	1,992,500	1,971,063	2,355,771	2,507,997	2,383,033	2,156,164	2,591,589	2,471,812
Roma, TX	3,783,640	4,111,833	4,165,753	4,286,896	4,649,578	4,664,306	3,644,011	3,527,213	3,036,496
U.S. - Mexico Border Total	169,152,429	171,522,486	214,354,991	226,012,670	241,522,310	239,794,552	209,105,846	199,020,692	193,697,482

Key:

NA: Data are not applicable or may be unavailable

U: Data are unavailable

*San Ysidro and Otay Mesa are combined under the heading of San Ysidro for 1994-1996

Source: U.S. DOT, BTS based on data from U.S. Customs Service, Mission Support Services, Office of Field Operations, Operations Management Database.

Table 10 - Incoming Bus Crossings, U.S.-Mexican Border

Arizona, California, New Mexico and Texas

1994-2003

Port Name	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Arizona, Total	3,904	3,842	4,108	4,572	5,592	10,018	14,409	13,344	13,211	13,407
Douglas, AZ	3,240	3,249	3,353	3,651	3,650	3,650	5,068	5,517	6,080	6,428
Lukeville, AZ	292	286	419	418	457	495	404	554	192	131
Naco, AZ	15	14	1	NA	56	NA	NA	NA	41	105
Nogales, AZ	311	246	273	438	1,407	5,814	8,899	7,238	6,796	6,705
Sasabe, AZ	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
San Luis, AZ	46	47	62	65	22	59	38	35	102	38
California, Total	17,986	21,139	22,531	117,480	137,358	156,660	151,110	163,402	165,405	185,725
Andrade, CA	NA	NA	47	126	109	68	87	81	90	55
Calexico, CA*	1,665	1,484	1,612	813	1,164	1,351	1,266	1,837	1,920	1,472
Calexico East, CA	U	U	U	994	1,164	459	222	392	395	311
Otay Mesa/San Ysidro, CA	15,765	18,912	19,921	18,586	26,978	46,142	47,683	57,954	65,474	72,749
San Ysidro, CA	U	U	U	96,208	107,563	108,025	101,244	102,627	97,042	110,820
Tecate, CA	556	743	951	753	380	615	608	511	484	318
New Mexico, Total	1	4	14	38	50	76	56	466	947	1,406
Columbus, NM	1	4	14	38	22	20	15	434	807	1,158
Santa Teresa, NM	NA	NA	NA	NA	28	56	41	32	140	248
Texas, Total	78,826	83,131	92,857	103,659	120,340	121,065	105,217	111,073	129,797	118,549
Brownsville, TX	3,271	4,117	5,570	7,763	10,678	12,702	16,073	14,026	13,789	11,673
Del Rio, TX	7,042	7,042	7,062	7,042	6,802	7,042	7,053	6,853	6,593	4,178
Eagle Pass, TX	6,308	5,480	4,477	3,918	3,767	3,278	2,676	2,670	2,679	1,691
El Paso, TX	8,138	4,726	5,298	5,629	5,795	6,956	8,102	10,556	32,270	30,031
Fabens, TX	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hidalgo, TX	34,713	37,126	40,277	50,541	62,962	54,598	31,836	33,017	31,952	32,805
Laredo, TX	16,985	21,191	25,498	24,108	25,856	31,371	34,529	39,718	38,852	35,406
Presidio, TX	559	486	424	380	423	407	370	331	297	302
Progreso, TX	188	184	264	317	374	453	516	474	822	409
Rio Grande City, TX	NA	NA	NA	NA	NA	NA	NA	2	3	U
Roma, TX	1,622	2,779	3,987	3,961	3,683	4,258	4,062	3,426	2,540	2,054
U.S. - Mexico Border Total	100,717	108,116	119,510	225,749	263,340	287,819	270,792	288,285	309,360	319,087

Key:

NA: Data are not applicable or may be unavailable

U: Data are unavailable

* San Ysidro and Otay Mesa are combined under the heading of San Ysidro for 1994-1996

Source: U.S. DOT, BTS based on data from U.S. Customs Service, Mission Support Services, Office of Field Operations, Operations Management Database.

Table 11 - Incoming Passenger Crossings on Buses, U.S.-Mexican Border

Arizona, California, New Mexico and Texas

1994-2003

Port Name	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Arizona, Total	27,198	24,103	30,778	33,528	58,055	100,888	167,035	174,718	177,830	209,897
Douglas, AZ	3,240	3,249	3,433	3,651	3,650	3,650	13,762	25,739	43,791	45,549
Lukeville, AZ	11,388	11,154	16,341	16,302	17,796	19,305	15,763	21,537	7,250	4,488
Naco, AZ	363	350	25	NA	1,400	NA	NA	NA	376	2,625
Nogales, AZ	11,000	7,608	8,637	11,477	34,470	76,026	136,471	126,530	125,264	156,406
Sasabe, AZ	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
San Luis, AZ	1,207	1,742	2,342	2,098	739	1,907	1,039	912	1,149	829
California, Total	180,818	249,220	260,816	1,120,631	1,194,702	1,215,618	1,670,733	1,402,404	1,813,716	1,577,189
Andrade, CA	NA	NA	1,519	3,074	4,340	2,689	3,381	3,119	2,565	2,157
Calexico, CA*	36,286	29,806	30,151	21,143	37,540	29,194	19,367	27,493	48,311	13,269
Calexico East, CA	U	U	U	15,119	20,278	6,702	6,885	7,647	7,987	6,327
Otay Mesa/San Ysidro, CA	127,363	198,521	216,287	196,190	235,288	312,342	845,775	457,980	546,493	303,756
San Ysidro, CA	U	U	U	873,411	890,614	854,098	783,762	897,047	1,199,630	1,244,973
Tecate, CA	17,169	20,893	12,859	11,694	6,642	10,593	11,563	9,118	8,730	6,707
New Mexico, Total	35	138	281	780	1,459	1,577	1,400	3,311	9,951	17,261
Columbus, NM	35	138	281	780	618	622	405	2,232	5,892	9,220
Santa Teresa, NM	NA	NA	NA	NA	841	955	995	1,079	4,059	8,041
Texas, Total	1,083,512	1,297,859	1,651,822	1,617,727	2,384,596	2,040,085	1,626,748	1,786,362	1,924,657	1,942,990
Brownsville, TX	62,596	82,340	111,400	170,295	266,924	145,298	78,032	74,988	67,059	61,355
Del Rio, TX	NA	1,775	7,062	7,042	6,802	7,042	7,053	6,853	6,593	4,178
Eagle Pass, TX	6,308	34,967	4,477	3,918	3,767	3,280	8,568	22,295	24,438	11,450
El Paso, TX	130,215	97,158	105,757	106,272	118,213	133,974	155,493	195,399	351,335	392,718
Fabens, TX	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hidalgo, TX	685,310	683,118	804,442	964,975	1,515,376	1,247,191	648,751	659,450	632,923	655,430
Laredo, TX	146,848	312,236	531,402	269,766	367,691	379,425	608,184	720,559	757,459	748,644
Presidio, TX	1,443	2,059	3,808	3,808	4,230	4,070	3,700	3,310	2,970	3,020
Progreso, TX	5,649	5,884	8,968	11,623	14,065	16,327	17,683	18,588	16,914	15,674
Rio Grande City, TX	NA	NA	NA	NA	NA	NA	NA	2	66	U
Roma, TX	45,143	78,322	74,506	80,028	87,528	103,478	99,284	84,918	64,900	50,521
U.S. - Mexico Border Total	1,291,563	1,571,320	1,943,697	2,772,666	3,638,812	3,358,168	3,465,916	3,366,795	3,926,154	3,747,337

Key:

NA: Data are not applicable or may be unavailable

U: Data are unavailable

*San Ysidro and Otay Mesa are combined under the heading of San Ysidro for 1994-1996

Source: U.S. DOT, BTS based on data from U.S. Customs Service, Mission Support Services, Office of Field Operations, Operations Management Database.

Table 12 - Incoming Pedestrian Crossings, U.S.-Mexican Border

Arizona, California, New Mexico and Texas

1994-2003

Port Name	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Arizona, Total	7,779,089	7,621,087	7,491,274	7,614,629	7,601,268	8,379,549	8,390,803	8,994,847	9,682,233	9,154,958
Douglas, AZ	554,333	567,030	547,742	599,082	641,181	704,973	682,872	728,585	648,989	776,258
Lukeville, AZ	68,228	71,790	72,085	76,274	73,308	78,611	109,800	126,268	78,336	89,694
Naco, AZ	66,088	67,434	67,257	71,839	69,353	64,698	92,617	92,554	72,628	77,518
Nogales, AZ	4,948,152	4,698,049	4,417,030	4,643,538	4,796,884	4,806,076	4,677,819	4,874,738	5,911,866	5,583,533
Sasabe, AZ	4,405	4,037	1,698	3,097	4,262	3,588	3,133	2,443	2,136	2,048
San Luis, AZ	2,137,883	2,212,747	2,385,462	2,220,799	2,016,280	2,721,603	2,824,562	3,170,259	2,968,278	2,625,907
California, Total	8,244,261	9,662,965	9,548,097	17,536,073	17,757,504	18,278,225	18,596,679	21,699,797	18,628,200	18,193,283
Andrade, CA	1,076,367	1,161,868	1,325,445	1,360,393	1,457,009	1,634,155	1,762,700	1,779,392	1,703,862	1,747,369
Calexico, CA*	6,469,371	7,100,203	7,373,815	8,167,540	8,492,078	8,099,253	8,352,324	7,119,785	6,894,820	6,230,123
Calexico East, CA	U	U	U	42,463	28,649	15,100	2,293	2,538	2,398	1,586
Otay Mesa/San Ysidro, CA	361,159	1,145,522	583,206	621,517	619,158	684,047	648,756	1,002,971	1,684,117	1,467,171
San Ysidro, CA	U	U	U	7,046,923	6,909,382	7,558,174	7,542,450	11,435,946	7,903,483	8,302,110
Tecate, CA	337,364	255,372	265,631	297,237	251,228	287,496	288,156	359,165	439,520	444,924
New Mexico, Total	102,216	108,355	144,652	120,575	142,050	199,644	191,351	185,814	264,165	259,312
Columbus, NM	102,216	108,355	144,354	119,418	138,881	195,531	187,709	182,025	250,968	242,448
Santa Teresa, NM	NA	NA	298	1,157	3,169	4,113	3,642	3,789	13,197	16,864
Texas, Total	18,822,178	15,443,565	16,925,341	18,640,034	18,960,732	21,355,816	19,910,809	20,620,863	21,703,683	21,056,220
Brownsville, TX	3,769,738	3,308,537	3,801,203	3,726,740	3,604,032	3,465,915	3,017,533	3,176,131	3,204,848	2,920,355
Del Rio, TX	226,397	272,086	270,577	262,717	264,456	260,486	265,252	258,102	167,153	132,216
Eagle Pass, TX	398,354	395,933	458,729	529,897	661,922	761,221	920,114	864,105	691,904	698,602
El Paso, TX	5,672,036	4,403,325	4,405,140	4,542,646	5,169,966	5,666,477	5,825,155	7,201,100	9,301,395	8,899,168
Fabens, TX	38,703	40,713	24,691	14,737	14,524	17,052	23,813	32,208	33,723	25,311
Hidalgo, TX	3,057,580	2,541,556	2,603,443	2,429,241	2,377,143	2,559,617	2,575,622	2,325,812	1,958,914	2,138,232
Laredo, TX	4,257,086	3,112,505	3,713,397	5,427,815	5,093,851	6,674,293	5,492,769	5,060,947	4,648,046	4,577,725
Presidio, TX	16,300	11,522	9,075	11,890	21,136	16,719	16,019	24,240	34,065	25,187
Progreso, TX	866,836	900,074	1,095,911	1,164,483	1,207,768	1,368,048	1,193,590	1,278,671	1,288,506	1,275,881
Rio Grande City, TX	30,126	30,949	90,423	85,919	76,593	86,226	86,225	88,089	129,752	121,149
Roma, TX	489,022	426,365	452,752	443,949	469,341	479,762	494,717	311,458	245,377	242,394
U.S. - Mexico Border Total	34,947,744	32,835,972	34,109,364	43,911,311	44,461,554	48,213,234	47,089,642	51,501,321	50,278,281	48,663,773

Key:

NA: Data are not applicable or may be unavailable

U: Data are unavailable


*San Ysidro and Otay Mesa are combined under the heading of San Ysidro for 1994-1996

Source: U.S. DOT, BTS based on data from U.S. Customs Service, Mission Support Services, Office of Field Operations, Operations Management Database.



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Article 1601: General Principles

Further to Article 102 (Objectives), this Chapter reflects the preferential trading relationship between the Parties, the desirability of facilitating temporary entry on a reciprocal basis and of establishing transparent criteria and procedures for temporary entry, and the need to ensure border security and to protect the domestic labor force and permanent employment in their respective territories.

Article 1602: General Obligations

1. Each Party shall apply its measures relating to the provisions of this Chapter in accordance with Article 1601 and, in particular, shall apply expeditiously those measures so as to avoid unduly impairing or delaying trade in goods or services or conduct of investment activities under this Agreement.

2. The Parties shall endeavor to develop and adopt common criteria, definitions and interpretations for the implementation of this Chapter.

**Article 1603: Grant of Temporary Entry**

1. Each Party shall grant temporary entry to business persons who are otherwise qualified for entry under applicable measures relating to public health and safety and national security, in accordance with this Chapter, including the provisions of Annex 1603.
2. A Party may refuse to issue an immigration document authorizing employment to a business person where the temporary entry of that person might affect adversely:
 - (a) the settlement of any labor dispute that is in progress at the place or intended place of employment; or
 - (b) the employment of any person who is involved in such dispute.
3. When a Party refuses pursuant to paragraph 2 to issue an immigration document authorizing employment, it shall:
 - (a) inform in writing the business person of the reasons for the refusal; and
 - (b) promptly notify in writing the Party whose business person has been refused entry of the reasons for the refusal.
4. Each Party shall limit any fees for processing applications for temporary entry of business persons to the approximate cost of services rendered.

**Article 1604: Provision of Information**

1. Further to Article 1802 (Publication), each Party shall:
 - (a) provide to the other Parties such materials as will enable them to become acquainted with its measures relating to this Chapter; and
 - (b) no later than one year after the date of entry into force of this Agreement, prepare, publish and make available in its own territory, and in the territories of the other Parties, explanatory material in a consolidated document regarding the requirements for temporary entry under this Chapter in such a manner as will enable business persons of the other Parties to become acquainted with them.
2. Subject to Annex 1604.2, each Party shall collect and maintain, and make available to the other Parties in accordance with its domestic law, data respecting the granting of temporary entry under this Chapter to business persons of the other Parties who have been issued immigration documentation, including data specific to each occupation, profession or activity.

**Article 1605: Working Group**

1. The Parties hereby establish a Temporary Entry Working Group, comprising representatives of each Party, including immigration officials.
2. The Working Group shall meet at least once each year to consider:
 - (a) the implementation and administration of this Chapter;
 - (b) the development of measures to further facilitate temporary entry of business persons on a reciprocal basis;

(c) the waiving of labor certification tests or procedures of similar effect for spouses of business persons who have been granted temporary entry for more than one year under Section B, C or D of Annex 1603; and

(d) proposed modifications of or additions to this Chapter.



Article 1606: Dispute Settlement

1. A Party may not initiate proceedings under Article 2007 (Commission Good Offices, Conciliation and Mediation) regarding a refusal to grant temporary entry under this Chapter or a particular case arising under Article 1602(1) unless:

(a) the matter involves a pattern of practice; and

(b) the business person has exhausted the available administrative remedies regarding the particular matter.

2. The remedies referred to in paragraph (1)(b) shall be deemed to be exhausted if a final determination in the matter has not been issued by the competent authority within one year of the institution of an administrative proceeding, and the failure to issue a determination is not attributable to delay caused by the business person.



Article 1607: Relation to Other Chapters

Except for this Chapter, Chapters One (Objectives), Two (General Definitions), Twenty (Institutional Arrangements and Dispute Settlement Procedures) and TwentyTwo (Final Provisions) and Articles 1801 (Contacts Points), 1802 (Publication), 1803 (Notification and Provision of Information) and 1804 (Administrative Proceedings), no provision of this Agreement shall impose any obligation on a Party regarding its immigration measures.



Article 1608: Definitions

For purposes of this Chapter:

business person means a citizen of a Party who is engaged in trade in goods, the provision of services or the conduct of investment activities;

citizen means "citizen" as defined in Annex 1608 for the Parties specified in that Annex;

existing means "existing" as defined in Annex 1608 for the Parties specified in that Annex; and

temporary entry means entry into the territory of a Party by a business person of another Party without the intent to establish permanent residence.

Annex 1603

Temporary Entry for Business Persons

Section A - Business Visitors

1. Each Party shall grant temporary entry to a business person seeking to engage in a business activity set out in Appendix 1603.A.1, without requiring that person to obtain an employment authorization, provided that

the business person otherwise complies with existing immigration measures applicable to temporary entry, on presentation of:

- (a) proof of citizenship of a Party;
- (b) documentation demonstrating that the business person will be so engaged and describing the purpose of entry; and
- (c) evidence demonstrating that the proposed business activity is international in scope and that the business person is not seeking to enter the local labor market.

2. Each Party shall provide that a business person may satisfy the requirements of paragraph 1(c) by demonstrating that:

- (a) the primary source of remuneration for the proposed business activity is outside the territory of the Party granting temporary entry; and
- (b) the business person's principal place of business and the actual place of accrual of profits, at least predominantly, remain outside such territory.

A Party shall normally accept an oral declaration as to the principal place of business and the actual place of accrual of profits. Where the Party requires further proof, it shall normally consider a letter from the employer attesting to these matters as sufficient proof.

3. Each Party shall grant temporary entry to a business person seeking to engage in a business activity other than those set out in Appendix 1603.A.1, without requiring that person to obtain an employment authorization, on a basis no less favorable than that provided under the existing provisions of the measures set out in Appendix 1603.A.3, provided that the business person otherwise complies with existing immigration measures applicable to temporary entry.

4. No Party may:

- (a) as a condition for temporary entry under paragraph 1 or 3, require prior approval procedures, petitions, labor certification tests or other procedures of similar effect; or
- (b) impose or maintain any numerical restriction relating to temporary entry under paragraph 1 or 3.

5. Notwithstanding paragraph 4, a Party may require a business person seeking temporary entry under this Section to obtain a visa or its equivalent prior to entry. Before imposing a visa requirement, the Party shall consult, on request, with a Party whose business persons would be affected with a view to avoiding the imposition of the requirement. With respect to an existing visa requirement, a Party shall consult, on request, with a Party whose business persons are subject to the requirement with a view to its removal.

Section B - Traders and Investors

1. Each Party shall grant temporary entry and provide confirming documentation to a business person seeking to:

- (a) carry on substantial trade in goods or services principally between the territory of the Party of which the business person is a citizen and the territory of the Party into which entry is sought, or
- (b) establish, develop, administer or provide advice or key technical services to the operation of an investment to which the business person or the business person's enterprise has committed, or is in the process of committing, a substantial amount of capital,

in a capacity that is supervisory, executive or involves essential skills, provided that the business person otherwise complies with existing immigration measures applicable to temporary entry.

2. No Party may:

(a) as a condition for temporary entry under paragraph 1, require labor certification tests or other procedures of similar effect; or

(b) impose or maintain any numerical restriction relating to temporary entry under paragraph 1.

3. Notwithstanding paragraph 2, a Party may require a business person seeking temporary entry under this Section to obtain a visa or its equivalent prior to entry.

Section C - Intra-Company Transferees

1. Each Party shall grant temporary entry and provide confirming documentation to a business person employed by an enterprise who seeks to render services to that enterprise or a subsidiary or affiliate thereof, in a capacity that is managerial, executive or involves specialized knowledge, provided that the business person otherwise complies with existing immigration measures applicable to temporary entry. A Party may require the business person to have been employed continuously by the enterprise for one year within the threeyear period immediately preceding the date of the application for admission.

2. No Party may:

(a) as a condition for temporary entry under paragraph 1, require labor certification tests or other procedures of similar effect; or

(b) impose or maintain any numerical restriction relating to temporary entry under paragraph 1.

3. Notwithstanding paragraph 2, a Party may require a business person seeking temporary entry under this Section to obtain a visa or its equivalent prior to entry. Before imposing a visa requirement, the Party shall consult with a Party whose business persons would be affected with a view to avoiding the imposition of the requirement. With respect to an existing visa requirement, a Party shall consult, on request, with a Party whose business persons are subject to the requirement with a view to its removal.

Section D - Professionals

1. Each Party shall grant temporary entry and provide confirming documentation to a business person seeking to engage in a business activity at a professional level in a profession set out in Appendix 1603.D.1, if the business person otherwise complies with existing immigration measures applicable to temporary entry, on presentation of:

(a) proof of citizenship of a Party; and

(b) documentation demonstrating that the business person will be so engaged and describing the purpose of entry.

2. No Party may:

(a) as a condition for temporary entry under paragraph 1, require prior approval procedures, petitions, labor certification tests or other procedures of similar effect; or

(b) impose or maintain any numerical restriction relating to temporary entry under paragraph 1.

3. Notwithstanding paragraph 2, a Party may require a business person

seeking temporary entry under this Section to obtain a visa or its equivalent prior to entry. Before imposing a visa requirement, the Party shall consult with a Party whose business persons would be affected with a view to avoiding the imposition of the requirement. With respect to an existing visa requirement, a Party shall consult, on request, with a Party whose business persons are subject to the requirement with a view to its removal.

4. Notwithstanding paragraphs 1 and 2, a Party may establish an annual numerical limit, which shall be set out in Appendix 1603.D.4, regarding temporary entry of business persons of another Party seeking to engage in business activities at a professional level in a profession set out in Appendix 1603.D.1, if the Parties concerned have not agreed otherwise prior to the date of entry into force of this Agreement for those Parties. In establishing such a limit, the Party shall consult with the other Party concerned.

5. A Party establishing a numerical limit pursuant to paragraph 4, unless the Parties concerned agree otherwise:

(a) shall, for each year after the first year after the date of entry into force of this Agreement, consider increasing the numerical limit set out in Appendix 1603.D.4 by an amount to be established in consultation with the other Party concerned, taking into account the demand for temporary entry under this Section;

(b) shall not apply its procedures established pursuant to paragraph 1 to the temporary entry of a business person subject to the numerical limit, but may require the business person to comply with its other procedures applicable to the temporary entry of professionals; and

(c) may, in consultation with the other Party concerned, grant temporary entry under paragraph 1 to a business person who practices in a profession where accreditation, licensing, and certification requirements are mutually recognized by those Parties.

6. Nothing in paragraph 4 or 5 shall be construed to limit the ability of a business person to seek temporary entry under a Party's applicable immigration measures relating to the entry of professionals other than those adopted or maintained pursuant to paragraph 1.

7. Three years after a Party establishes a numerical limit pursuant to paragraph 4, it shall consult with the other Party concerned with a view to determining a date after which the limit shall cease to apply.

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PART FIVE: INVESTMENT, SERVICES AND RELATED MATTERS

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▲ Appendix 1603.A.1

Business Visitors

Research and Design

- Technical, scientific and statistical researchers conducting independent research or research for an enterprise located in the territory of another Party.

Growth, Manufacture and Production

- Harvester owner supervising a harvesting crew admitted under applicable law.
- Purchasing and production management personnel conducting commercial transactions for an enterprise located in the territory of another Party.

Marketing

- Market researchers and analysts conducting independent research or analysis or research or analysis for an enterprise located in the territory of another Party.
- Trade fair and promotional personnel attending a trade convention.

Sales

- Sales representatives and agents taking orders or negotiating contracts for goods or services for an enterprise located in the territory of another Party but not delivering goods or providing services.
- Buyers purchasing for an enterprise located in the territory of another Party.

Distribution

- Transportation operators transporting goods or passengers to the territory of a Party from the territory of another Party or loading and transporting goods or passengers from the territory of a Party, with no unloading in that territory, to the territory of another Party.
- With respect to temporary entry into the territory of the United States, Canadian customs brokers performing brokerage duties relating to the export of goods from the territory of the United States to or through the territory of Canada.
- With respect to temporary entry into the territory of Canada, United States customs brokers performing brokerage duties relating to the export of goods from the territory of Canada to or through the territory of the United States.
- Customs brokers providing consulting services regarding the facilitation of the import or export of goods.

AfterSales Service

- Installers, repair and maintenance personnel, and supervisors, possessing specialized knowledge essential to a seller's contractual obligation, performing services or training workers to perform services, pursuant to a warranty or other service contract incidental to the sale of commercial or industrial equipment or machinery, including computer software, purchased from an enterprise located outside the territory of the Party into which temporary entry is sought, during the life of the warranty or service agreement.

General Service

- Professionals engaging in a business activity at a professional level in a profession set out in Appendix 1603.D.1.
- Management and supervisory personnel engaging in a commercial transaction for an enterprise located in the territory of another Party.
- Financial services personnel (insurers, bankers or investment brokers) engaging in commercial transactions for an enterprise located in the territory of another Party.
- Public relations and advertising personnel consulting with business associates, or attending or participating in conventions.

- Tourism personnel (tour and travel agents, tour guides or tour operators) attending or participating in conventions or conducting a tour that has begun in the territory of another Party.
- Tour bus operators entering the territory of a Party:
 - (a) with a group of passengers on a bus tour that has begun in, and will return to, the territory of another Party;
 - (b) to meet a group of passengers on a bus tour that will end, and the predominant portion of which will take place, in the territory of another Party; or
 - (c) with a group of passengers on a bus tour to be unloaded in the territory of the Party into which temporary entry is sought, and returning with no passengers or reloading with the group for transportation to the territory of another Party.
- Translators or interpreters performing services as employees of an enterprise located in the territory of another Party.

Definitions

For purposes of this Appendix:

territory of another Party means the territory of a Party other than the territory of the Party into which temporary entry is sought;

tour bus operator means a natural person, including relief personnel accompanying or following to join, necessary for the operation of a tour bus for the duration of a trip; and

transportation operator means a natural person, other than a tour bus operator, including relief personnel accompanying or following to join, necessary for the operation of a vehicle for the duration of a trip.

▲ Appendix 1603.A.3

Existing Immigration Measures

1. In the case of Canada, subsection 19(1) of the *Immigration Regulations*, 1978, SOR/78172, as amended, made under the *Immigration Act*, R.S.C. 1985, c. I2, as amended.
2. In the case of the United States, section 101(a)(15)(B) of the *Immigration and Nationality Act*, 1952, as amended.
3. In the case of Mexico, Chapter III of the *General Demography Law* ("Ley General de Población"), 1974, as amended.

▲ Appendix 1603.D.1

Professionals

PROFESSION¹

MINIMUM EDUCATION REQUIREMENTS AND ALTERNATIVE CREDENTIALS

General

Accountant

Baccalaureate or Licenciatura Degree; or C.P.A., C.A., C.G.A. or C.M.A.

Architect

Baccalaureate or Licenciatura Degree; or state/provincial license²

Computer Systems Analyst	Baccalaureate or Licenciatura Degree; or PostSecondary Diploma ³ or PostSecondary Certificate ⁴ , and three years experience
Disaster Relief Insurance Claims Adjuster (claims Adjuster employed by an insurance company located in the territory of a Party, or an independent claims adjuster)	Baccalaureate or Licenciatura Degree, and successful completion of training in the appropriate areas of insurance adjustment pertaining to disaster relief claims; or three years experience in claims adjustment and successful completion of training in the appropriate areas of insurance adjustment pertaining to disaster relief claims.
Economist	Baccalaureate or Licenciatura Degree
Engineer	Baccalaureate or Licenciatura Degree; or state/provincial license
Forester	Baccalaureate or Licenciatura Degree; or state/provincial license
Graphic Designer	Baccalaureate or Licenciatura Degree; or PostSecondary Diploma or PostSecondary Certificate, and three years experience
Hotel Manager	Baccalaureate or Licenciatura Degree in hotel/restaurant management; or PostSecondary Diploma or PostSecondary Certificate in hotel/restaurant management, and three years experience in hotel/restaurant management
Industrial Designer	Baccalaureate or Licenciatura Degree; or PostSecondary Diploma or PostSecondary Certificate, and three years experience
Interior Designer	Baccalaureate or Licenciatura Degree; or PostSecondary Diploma or PostSecondary Certificate, and three years experience
Land Surveyor	Baccalaureate or Licenciatura Degree; or state/provincial/federal license
Landscape Architect	Baccalaureate or Licenciatura Degree
Lawyer (including Notary in the Province of Quebec)	LL.B., J.D., LL.L., B.C.L. or Licenciatura Degree (five years); or membership in a state/provincial bar
Librarian	M.L.S. or B.L.S. (for which another Baccalaureate or Licenciatura Degree was a prerequisite)
Management Consultant	Baccalaureate or Licenciatura Degree; or equivalent professional experience as established by statement or professional credential attesting to five years experience as a management consultant, or five years experience in a field of specialty related to the consulting agreement
Mathematician (including Statistician)	Baccalaureate or Licenciatura Degree
Range Manager/Range Conservationalist	Baccalaureate or Licenciatura Degree
Research Assistant (working in a post-secondary educational institution)	Baccalaureate or Licenciatura Degree
Scientific Technician/Technologist ⁵	Possession of (a) theoretical knowledge of any of the following

	disciplines: agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology or physics; and (b) the ability to solve practical problems in any of those disciplines, or the ability to apply principles of any of those disciplines to basic or applied research
Social Worker	Baccalaureate or Licenciatura Degree
Sylviculturist (including Forestry Specialist)	Baccalaureate or Licenciatura Degree
Technical Publications Writer	Baccalaureate or Licenciatura Degree; or PostSecondary Diploma or PostSecondary Certificate, and three years experience
Urban Planner (including Geographer)	Baccalaureate or Licenciatura Degree
Vocational Counsellor	Baccalaureate or Licenciatura Degree

Medical/Allied Professional

Dentist	D.D.S., D.M.D., Doctor en Odontologia or Doctor en Cirugia Dental; or state/provincial license
Dietitian	Baccalaureate or Licenciatura Degree; or state/provincial license
Medical Laboratory Technologist (Canada)/Medical Technologist (Mexico and the United States) ⁶	Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma or Post-Secondary Certificate, and three years experience
Nutritionist	Baccalaureate or Licenciatura Degree
Occupational Therapist	Baccalaureate or Licenciatura Degree; or state/provincial license
Pharmacist	Baccalaureate or Licenciatura Degree; or state/provincial license
Physician (teaching or research only)	M.D. or Doctor en Medicina; or state/provincial license
Physiotherapist/Physical Therapist	Baccalaureate or Licenciatura Degree; or state/provincial license
Psychologist	State/provincial license; or Licenciatura Degree
Recreational Therapist	Baccalaureate or Licenciatura Degree
Registered Nurse	State/provincial license; or Licenciatura Degree
Veterinarian	D.V.M., D.M.V. or Doctor en Veterinaria; or state/provincial license

Scientist

Agriculturist (including Agronomist)	Baccalaureate or Licenciatura Degree
Animal Breeder	Baccalaureate or Licenciatura Degree
Animal Scientist	Baccalaureate or Licenciatura Degree
Apiculturist	Baccalaureate or Licenciatura Degree
Astronomer	Baccalaureate or Licenciatura Degree
Biochemist	Baccalaureate or Licenciatura Degree
Biologist	Baccalaureate or Licenciatura Degree

Chemist	Baccalaureate or Licenciatura Degree
Dairy Scientist	Baccalaureate or Licenciatura Degree
Entomologist	Baccalaureate or Licenciatura Degree
Epidemiologist	Baccalaureate or Licenciatura Degree
Geneticist	Baccalaureate or Licenciatura Degree
Geologist	Baccalaureate or Licenciatura Degree
Geochemist	Baccalaureate or Licenciatura Degree
Geophysicist (including Oceanographer in Mexico and the United States)	Baccalaureate or Licenciatura Degree
Horticulturist	Baccalaureate or Licenciatura Degree
Meteorologist	Baccalaureate or Licenciatura Degree
Pharmacologist	Baccalaureate or Licenciatura Degree
Physicist (including Oceanographer in Canada)	Baccalaureate or Licenciatura Degree
Plant Breeder	Baccalaureate or Licenciatura Degree
Poultry Scientist	Baccalaureate or Licenciatura Degree
Soil Scientist	Baccalaureate or Licenciatura Degree
Zoologist	Baccalaureate or Licenciatura Degree
Teacher	
College	Baccalaureate or Licenciatura Degree
Seminary	Baccalaureate or Licenciatura Degree
University	Baccalaureate or Licenciatura Degree

¹ A business person seeking temporary entry under this Appendix may also perform training functions relating to the profession, including conducting seminars.

² "State/provincial license" and "state/provincial/federal license" mean any document issued by a state, provincial or federal government, as the case may be, or under its authority, but not by a local government, that permits a person to engage in a regulated activity or profession.

³ "Post-Secondary Diploma" means a credential issued, on completion of two or more years of postsecondary education, by an accredited academic institution in Canada or the United States.

⁴ "Post-Secondary Certificate" means a certificate issued, on completion of two or more years of postsecondary education at an academic institution, by the federal government of Mexico or a state government in Mexico, an academic institution recognized by the federal government or a state government, or an academic institution created by federal or state law.

⁵ A business person in this category must be seeking temporary

entry to work in direct support of professionals in agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology or physics.

⁶ A business person in this category must be seeking temporary entry to perform in a laboratory chemical, biological, hematological, immunologic, microscopic or bacteriological tests and analyses for diagnosis, treatment or prevention of disease.

▲ Appendix 1603.D.4

United States

1. Beginning on the date of entry into force of this Agreement as between the United States and Mexico, the United States shall annually approve as many as 5,500 initial petitions of business persons of Mexico seeking temporary entry under Section D of Annex 1603 to engage in a business activity at a professional level in a profession set out in Appendix 1603.D.1.

2. For purposes of paragraph 1, the United States shall not take into account:

(a) the renewal of a period of temporary entry;

(b) the entry of a spouse or children accompanying or following to join the principal business person;

(c) an admission under section 101(a)(15)(H)(i)(b) of the *Immigration and Nationality Act, 1952*, as may be amended, including the worldwide numerical limit established by section 214 (g)(1)(A) of that Act; or

(d) an admission under any other provision of section 101(a)(15) of that Act relating to the entry of professionals.

3. Paragraphs 4 and 5 of Section D of Annex 1603 shall apply as between the United States and Mexico for no longer than:

(a) the period that such paragraphs or similar provisions may apply as between the United States and any other Party other than Canada or any non Party; or

(b) 10 years after the date of entry into force of this Agreement as between such Parties, whichever period is shorter.

▲ Annex 1604.2

Provision of Information

The obligations under Article 1604(2) shall take effect with respect to Mexico one year after the date of entry into force of this Agreement.

▲ Annex 1608

Country Specific Definitions

For purposes of this Chapter:

citizen means, with respect to Mexico, a national or a citizen according to the existing provisions of Articles 30 and 34, respectively, of the Mexican Constitution; and

existing means, as between:

(a) Canada and Mexico, and Mexico and the United States, in

effect on the date of entry into force of this Agreement; and

(b) Canada and the United States, in effect on January 1, 1989.

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Language



หน้าด่าน



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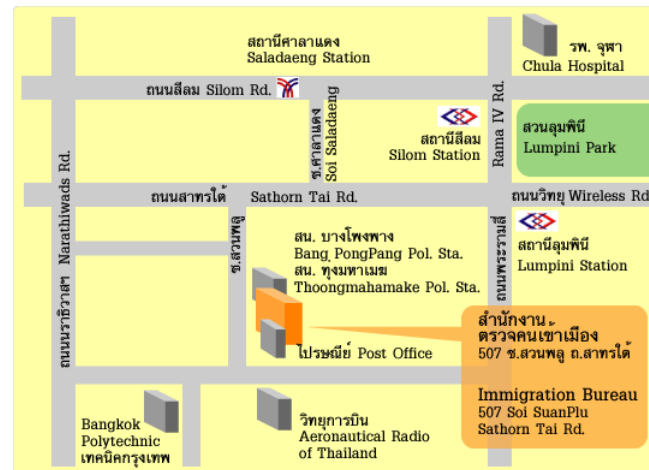
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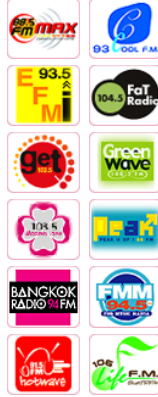
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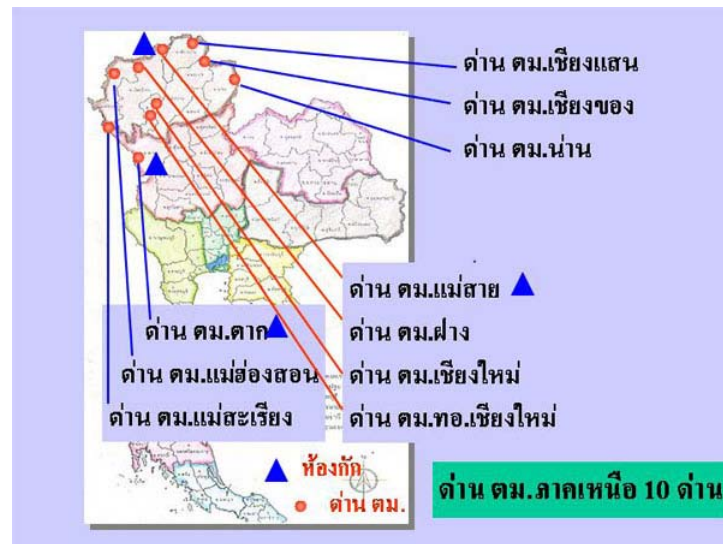
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The Greater Mekong Subregion Program and ASEAN Free Trade Area: An Overview

A. The GMS Program

The origins of the GMS can be traced to the 1957 establishment of the Mekong Committee, which then comprised the four riparian countries of the lower Mekong Basin. The region was, however, racked by conflict, so there was little cooperation over the following three decades. The process gained substance only in 1992 when ADB initiated a more organized program of cooperation among its members. The original members of the GMS were Cambodia, the Lao People's Democratic Republic (Lao PDR), Myanmar, Thailand, Viet Nam, and Yunnan Province of the People's Republic of China (PRC). In 2004, Guangxi Zhuang Autonomous Region of the PRC also joined the GMS.

The GMS program is a classic case of market as opposed to institutional integration. While institutional integration is characterized by legal agreements and institutional arrangements that promote preferential trade among members of the agreement, market integration relies on nonofficial institutions that provide public and quasi-public goods that reduce transaction costs associated with the international movement of goods, services, and other production factors (Cooper 1968; Garnaut and Drysdale 1994).

As a program of market-based integration, the GMS agenda has concentrated on the provision of physical infrastructure that has public good characteristics, e.g., crossborder infrastructure. Indeed, essential infrastructure of all types remains underdeveloped in most of the GMS economies, and the GMS program has focused on overcoming this constraint. Initiatives such as the east-west, north-south, and southern economic corridors are creating a network of roads that connect the region, reducing the cost of transporting goods and people from one corner of the region to the other.⁵

Options for interconnections for power transmission and the development of fiber optic transmission links—both covered through the GMS flagship programs on power and telecommunications—also fall within the geographic scope of these corridors. As argued by Mussa (2000), the role that transport and communication infrastructure plays in driving economic integration should not be under-estimated. In many ways, the reductions in transport and communication costs taking place in much of the Mekong region today parallel those that took place in the industrialized world decades ago.

Apart from “hardware” in the form of physical infrastructure, the GMS program has also tried to address complementary “software” issues. The facilitation of cross-border trade and investment is another key feature of increasing subregional economic integration in the GMS. The GMS program supports a range of measures to facilitate trade and investment that are designed to promote integration. These include improving procedures and transparency for customs clearance and enhancing technical skills to improve the application of various regulatory systems. Included in these efforts is the pilot testing of single-stop procedures of customs inspection at selected border sites. Research conducted by UNCTAD and cited in the Joint Study Group (2000) suggests that customs paperwork and procedures costs add up to about 7% of the global value of trade (see also Hertel et al., 2001). This is likely to be an understatement of these costs in the case of the Mekong region given initial conditions, or the relatively poor state of such systems and procedures at present. The GMS program is also helping member

economies prepare for a single GMS visa system. Besides promoting tourism and reducing the direct cost of cross-border control and management, a single-visa system would have indirect but positive effects on trade and investment.

The direct impact of interventions through the GMS program is already being reflected in trade and investment statistics for the subregion. Cross-border trade among the six GMS economies has increased sharply. For example, Thailand's imports from its three neighboring countries, Lao PDR, Myanmar, and Cambodia has been increasing by an annual compound growth rate of almost 10% since 2000. More than two thirds of Lao PDR's trade is with other GMS economies; more than a third is with Myanmar, and about a fourth is with Cambodia. In 2004, these three countries conducted more than 40% of their trade with each other. Nonetheless, a significant portion of trade among the GMS economies is not recorded. The nature of this type of trade makes it difficult to know its magnitude, but estimates range from about 30–50% or more of total recorded trade.

The trend is similar for intra-GMS net foreign direct investment (FDI) flows. Net FDI flows from the six GMS economies to Cambodia, Lao PDR, Myanmar, Thailand, and Viet Nam combined rose sharply from \$130 million in 2000 to about \$210 million in 2002, and estimates suggest that this growth trend has continued since. That trade and investment are growing hand-in-hand in the subregion is no coincidence. Early signs of a trade-investment nexus are emerging whereby trade not only encourages investment, but investment, in turn, encourages trade. This is a virtuous circle that links back to economic growth (Athukorala and Menon 1997).

B. AFTA

Although the origins of ASEAN date back to the early 1960s, it was officially launched in August 1967 as a result of the Bangkok Declaration. The original members were Indonesia, Malaysia, Philippines, Singapore, and Thailand. Brunei's accession in 1984 brought the total membership to six nations. During its early phase, ASEAN operated as a consensus-based, politico-security community with little attention paid to economic issues. On the economic front, ASEAN was dormant for its first 10 years.

The first attempt at promoting intra-ASEAN trade through institutional integration via regional trade preferences occurred at the Bali Summit in 1976 when ASEAN adopted preferential trading arrangements (PTA). Despite some initial promise and enthusiasm, the arrangements had little impact on intra-regional trade. In short, they were a failure. There were a number of reasons for this. First, the commodity coverage was narrow, and implementation was half-hearted. Second, the size of the proposed tariff cuts was too small to have any discernable effect on trade flows. On top of this, the PTA failed to deal adequately with non-tariff barriers, which were a greater impediment to trade than tariffs were (see Menon 1996 for a fuller discussion of these issues).

It took until the early 1990s before the next formal attempt was made to pursue intra-ASEAN trade liberalization. At the summit meeting of ASEAN heads of state in January 1992, the six agreed to establish AFTA by the year 2008. This deadline was subsequently moved forward to 2003. AFTA represents the most ambitious attempt at regional integration by ASEAN thus far. It is also the first political attempt to bring about regional free trade in Asia.

The centerpiece of the AFTA proposal is the common effective preference tariff (CEPT). It differs from the PTA in that its approach is essentially by sectors, making it more comprehensive and less cumbersome than the item-by-item approach of the PTA. The objective of the CEPT scheme is to lay the foundation for the creation of a single ASEAN market. Under the revised AFTA plan, tariffs were to be reduced to 20% within a time frame of 5–8 years (beginning in January 1993) before they were cut to 0–5% by the year 2003. This target has already been virtually realized for the six original

members of ASEAN.

The first step in the widening of AFTA took place at the Fifth ASEAN Summit on 15 December 1995 when Viet Nam joined and acceded to the CEPT agreement. Lao PDR and Myanmar joined in 1997 while Cambodia came on board in 2000. For Viet Nam, the target date when 0–5% tariffs will apply to most intra-ASEAN trade is 2006. Lao PDR and Myanmar must adopt these tariff rates by 2008, and Cambodia by 2010.

Besides having tariff lines with strictly reciprocal preferences, the ASEAN integration system of preferences (AISP) was initiated to accelerate integration of the CLMV countries (Cambodia, Lao PDR, Myanmar and Viet Nam) into the regional market for trade in goods. At the 15th AFTA Council Ministerial Meeting in 2001, the original ASEAN members agreed to unilaterally extend tariff preferences to ASEAN's new members beginning 1 January 2002. This move is unprecedented for ASEAN, which has always operated on the basis of equal partnership. Although the AISP is implemented bilaterally and voluntarily, it is based on products that the CLMV countries themselves propose — not on those proposed by the providing countries. This provision was designed to avoid the so-called “snow-plow effect” whereby providing countries tend to extend preferences on tariff lines where there is little or no intra-regional trade.

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(as of 26 June 2005)

Building on Success

GMS Flagship Programs and Development Matrix

The Strategic Framework for the Greater Mekong subregion (GMS) adopted by the 10th GMS Ministerial Conference in November 2001 envisions a well-integrated and prosperous Mekong subregion – free of poverty and committed to protecting the environment so vital to the subregion's future wellbeing. The GMS Program focuses on five strategic development thrusts to achieve these goals:

- Strengthen infrastructure linkages through a multisectoral approach,
- Facilitate cross-border trade and investment,
- Enhance private sector participation in development and improve its competitiveness,
- Develop human resources and skill competencies, and
- Protect the environment and promote sustainable use of the subregion's shared natural resources.

'Flagship' programs in key areas will be implemented in pursuit of these strategic thrusts. They include transportation/economic corridors, tele-communications and energy interchanges, cross-border trade and investment, support for greater private sector participation in development, development of human resources, and joint initiatives for the management of the subregion's shared environment and natural resources. An 11th flagship program on tourism development in the GMS was endorsed by the 11th GMS Ministerial Conference in September 2002 in Phnom Penh.

Rationale for the Flagship Programs

The 'Flagship Initiatives' or programs aim to more closely link the six Mekong countries and facilitate cross-border trade and investment in a manner that promotes sustainable development. The opportunities and challenges presented by globalization encourage economic cooperation among neighboring countries, enabling thereby greater specialization, improved productivity, new opportunities for employment and other benefits, including opportunities to conserve the environment that sustains the subregion, reverse degradation and contribute significantly to reducing poverty in the GMS. All six countries – Cambodia, Yunnan Province/People's Republic of China (PRC), Lao People's Democratic Republic, Union of Myanmar, and the Socialist Republic of Viet Nam – stand to benefit from building on the gains of the first decade of economic cooperation among each other.

The GMS Program launched in 1992 is necessarily multidimensional. Several Mekong countries are in transition to more market-based and diversified economies. Although some areas of the Mekong subregion are highly developed and competitive, much of the subregion remains poor and dependent on

subsistence farming. In part because of this, complementarities exist among member countries of the GMS. Progress in developing these complementarities has been impressive; however, much remains to be done to improve the subregion's basic infrastructure. Further, policy and regulatory frameworks need to be harmonized to facilitate trade and investment.

Road, rail, water and air transport systems, together with telecommunications systems, must be strengthened to set up better networks among the six GMS countries and to strengthen linkages with other networks in Asia and the rest of the world. Energy projects, in many cases, can only proceed on a regional basis. "Soft" infrastructures – that is, policies and regulations that determine to great extents the form, level, and use of infrastructure investments – play increasingly important roles. Various elements of human resource development, disease and drug control, tourism promotion, and protection of the environment, can also best be addressed on a regional basis by countries agreeing on common frameworks and platforms. In the case of the environment in particular, it is increasingly evident that regional and global cooperation will be crucial to national and long-term measures to protect and conserve it.

Inevitably, there will be gray areas between issues and interests best addressed on a regional basis and others best addressed on a broader basis – such as by the Association of Southeast Asian Nations (ASEAN) or by the World Trade Organization (WTO). Overlaps between regional and purely national initiatives will also be inevitable. Global, regional, and national initiatives must be structured so that they interlock in a building block and complementary manner.

The Development Matrix

To fine-tune the GMS Strategic Framework, the Ministers concluded their 10th GMS Conference by calling for preparation of a long-term development matrix. Accordingly, senior officials with the assistance of ADB, have guided the preparation of such a matrix, a first working draft of which is now available. The matrix provides a synopsis for each of the flagship programs, including their respective components, description, status and scope, estimated costs and possible financing sources, implementing agencies, completion schedules, and issues and constraints.

The matrix is very much a “work in progress,” open to suggestions and proposals for additional projects and financing. In future versions, distinctions will be drawn between purely subregional projects involving two or more countries, and national projects with valuable contributions to the GMS Strategy and its flagship programs.

Mechanisms will be established to regularly update and make the matrix current – identifying priority projects based on continuing consultations with GMS countries and with active public and private partners in the subregion. The

development matrix serves as a planning and information tool to generate direct investments and cofinancing, and to promote greater private sector investment and participation in the subregion's development.

In order to facilitate its use, the matrix has been divided and assembled to complement the summaries for each of the flagship programs. The summaries and associated matrices are included in the accompanying package. A digest of these summaries follows.

The 'Flagship' Programs

As cross-border trade is highly dependent on road transportation, the GMS Program highlights the following three corridors, illustrated in the accompanying map:

- ***The North-South Economic Corridor***
- ***The East-West Economic Corridor***
- ***The Southern Economic Corridor***

The objective is a highly efficient system – allowing for goods and people to circulate or travel around the Mekong subregion without significant impediment, excessive cost, or delay – which will form the basis of corridors of economic growth and social development in the subregion, attracting investment and skills.

When completed, the growth corridors will transform Northern Lao PDR and Yunnan Province into vital gateways between the People's Republic of China (PRC) and Southeast Asia, and will inaugurate east-west trade linking Viet Nam, Lao PDR, Thailand and Myanmar, as well as trade among southern Viet Nam, Cambodia, and Thailand. Together with improved national highways, such as Highway 1 running the length of Viet Nam, this network will facilitate trade in the subregion and broaden trade reach, including in its network other ASEAN members and South Asia.

The economic corridors are destined to be more than just transportation corridors. In the case of the East-West Corridor, a preinvestment study has completed identifying potential trade and production opportunities when linked to improvements in transportation and other infrastructure within the growth corridor. Policy, regulatory and financing initiatives will also be required to transform the transportation corridors into complex but more rewarding economic corridors. Accordingly, each of the three corridor programs have important subcomponents. For example, the Thai-Cambodia Joint Development Study for Economic Cooperation identifies programs and investments in infrastructure, agro-industry and fisheries, light manufacturing and industry, and tourism and trade, for the Southern Economic Corridor.

Common to all three economic corridors is the *Framework Agreement for the Facilitation of the Cross-Border Movement of Goods and People*. This landmark agreement among GMS countries is expected to be fully operational by 2005 and will simplify customs procedures, facilitate cross-border truck travel as well as minimize the need for transshipment, among other important advantages.



Telecommunications Backbone and Information and Communications Technology (ICT)

An efficient and effective telecommunications network is central to the information/communications industry and critical, therefore, to future growth prospects for the Mekong subregion. The “Digital Divide” must be bridged.

The objective is a subregional telecommunications network that enables universal access to voice and data services – including the Internet – at affordable yet commercially-based rates.

The Telecommunications Backbone and ICT Flagship Program is designed to establish the basic infrastructure needed to interconnect the national networks of the six GMS countries. In addition to investment in “backbone” facilities, the Program includes important policy reforms, and much-needed capacity building initiatives expected to pave the way for private sector participation.

Regional Power Interconnection and Trading Arrangements

Major benefits to GMS countries can be gained by cooperating in the development and use of the subregion’s natural resources. This is especially true of the energy sector, where some countries have substantial surplus energy potential, while others are in a deficit position.

Subregional cooperation in energy development and supply will reduce the cost of electricity and assure more stable supply.

The objective is a commercially-based energy system that reliably supplies electricity and other forms of energy at reasonable cost to all areas of the subregion, and in a manner that minimizes environmental and social costs.

Rural electrification is of special concern, as this relates importantly to poverty reduction.

This Flagship Program entails many components, notably, mobilizing private sector interest in developing and managing the energy potential of the subregion. Towards this end, the program focuses on ensuring construction of transmission lines and other investments (for example, switching stations) fundamental to a regional approach to energy supply. Significantly, the *GMS Inter-Governmental Agreement on Power Trade* paves the way for the development of a power trade operating agreement. Yet another dimension of the Program is development of a corps of engineers and technical personnel for integrated GMS power system operation and management.

Facilitating Cross-Border Trade and Investment

Increased trade and investment in the Mekong subregion will be the main drivers of economic growth. Carefully supported by policy and appropriate regulatory frameworks, and infrastructure linking rural areas to national and regional markets, trade and investment will also be the main drivers for reducing poverty.

These initiatives must be closely interrelated with those of ASEAN and be made consistent with the WTO framework. The ASEAN/Free Trade Agreement (AFTA) agreement will result in a free trade area involving five of the six GMS countries. ASEAN protocols also address harmonizing foreign investment regimes. In addition, ASEAN and PRC are working on an ASEAN-PRC free trade agreement. These developments and proposals, together with PRC's newly established membership in the WTO, open great opportunities and challenges.

By and large, the Trade and Investment Flagship Program aims to minimize trade impediments among GMS countries and create a favorable investment climate, thereby encouraging strong participation by domestic and foreign commercial interests.

The Program entails important subcomponents, including improving the data system for trade and investment, establishing single-stop customs inspection stations and products and services in support of small and medium enterprises (SMEs), and reducing barriers to trade in agricultural products. The Program also relates closely to the other flagship programs, such as transportation, telecommunications and energy cooperation initiatives, and the all-important *Framework Agreement for the Facilitation of the Cross-Border Movement of Goods and People*.

Enhancing Private Sector Participation and Competitiveness

Private sector enterprise is acknowledged by all GMS countries to be the engine of economic growth.

A unifying theme for the GMS Program, therefore, is creating an enabling environment for business enterprise, especially for the private sector.

GMS countries can benefit from sharing experiences in determining the proper role of government in a more market-based economy. A supportive framework for private enterprise is essential, including a strong financial sector, greater transparency and the rule of law, privatized state enterprises, investment in the education and health of the subregion's labor force, and an appropriate regulatory framework for protecting the environment.

The flagship programs are collectively relevant because they are based fundamentally on providing a supportive framework for private enterprise. The Flagship Program for Enhancing Private Sector Participation and Competitiveness addresses additional, sometimes very specific factors. A particular concern is the managerial, marketing, and other skills of SMEs and accessibility of financial services. To help SMEs and other commercial interests find a "voice" for their needs and views, the GMS Business Forum is being strengthened and its activities expanded.

Developing Human Resources and Skills Competencies

Just as the private sector is viewed as the engine of growth, human resource development may be regarded as the main "building block" for the subregion's development. The fundamental importance of HRD, and the information/communications revolution, underscore the need for proactive regional cooperation initiatives in this field. Differences in language and culture normally favor national programs in these areas. Regional initiatives should focus on factors related to education, training, labor markets, and health that can be addressed most effectively and efficiently through subregional cooperation.

The objective is to strengthen the subregion's most valuable resource – its people – and strengthen their capacities.

The Flagship Program on Developing Human Resources and Skills Competencies provides a framework for wide-ranging cooperation. Pipeline projects include support systems for harmonizing training standards and skills certification systems, a system for accrediting training institutions, and capacity building concerning vocational training institutions. Pipeline projects concerning health include cross-border migration and communicable diseases such as HIV/AIDS.

Strategic Environment Framework

The GMS is endowed with a rich natural resource base that sustains economic development and helps maintain rural livelihoods.

A major challenge facing the GMS Program is to assist GMS countries maintain these and other crucial environmental resources on which depend much of the subregion's social and economic development.

The primary objective of the flagship program on Strategic Environment Framework (SEF) is to help integrate environmental considerations in economic development planning. The flagship program includes: (i) identifying opportunities for improving environmental management in the GMS, (ii) building awareness and capacity in regional environmental assessment; (iii) enhancing public participation in GMS decision making, and (iv) defining a set of environmental parameters and mechanisms to initiate an environmental monitoring program.

The SEF flagship program combines analytical, participatory, and policy-oriented processes that together constitute a strategic platform for guiding investment decisions in the GMS. The first phase developed a strategic platform to guide infrastructure investment decisions in the GMS, consistent with the demands of environmental and social sustainability. The second phase facilitates decision making, *first* by creating a data warehouse which will structure and organize relevant data and information at the national and subregional levels to make them readily accessible to the decision maker; *second*, by providing performance assessment methodologies; and *third*, by establishing a framework and platform through which knowledge will constantly be added to the existing database.

Flood Control and Water Resource Management

The goal for subregional cooperation in flood control and water resource management is to prevent or minimize social and economic losses due to floods through a combination of sustainable resource and floodplain management measures.

This flagship program complements the initiatives of the Mekong River Commission (MRC) and includes four major groups of floodplain management measures: (i) *land use planning*, to minimize risks to people living in vulnerable floodplain areas; (ii) *structural measures*, such as building platforms for dwellings and making roads flood-proof to minimize hazards to people living in floodplains, and construction of flood mitigation structures such as dams and embankments to reduce flood damage to urban settlements; (iii) *flood preparedness*, to strengthen institutional capacities to prepare for floods; and (iv) *flood emergency*, to build capacity for responding to flood emergencies.

GMS Tourism Development

Tourism is a major industry in the countries of the GMS. This presents great potential for further expansion, especially for relatively undeveloped GMS countries and areas. Over the past decade, efforts to develop and promote tourism through regional cooperation have achieved significant success. The GMS Tourism Development Flagship Program builds upon this achievement.

The objective is to make the subregion an internationally recognized “single destination site,” enabling domestic and foreign tourists to take maximum advantage of the subregion’s features and attractions.

Key infrastructure critical to promoting the subregion as a “single destination site” will be supported. “Soft infrastructure” will also be improved, including inter-country visa recognition and greater mobility for tour operators and guides. Special effort will be directed at extending tourism to poor and remote areas, including through the development of eco-tourism. The quality of tourism services will be improved through training and other measures. The private sector will be encouraged to “take charge” of tourism development within a well-defined social and environmental regulatory framework.

Linkages and Milestones

The flagship programs constitute an ambitious and demanding strategy in which all stakeholders will need to play active and committed roles. The challenges involved are all the more demanding as the various program elements are closely linked and interdependent.

Logically, many of the feasibility studies and “soft” initiatives are preconditions or necessary complements to infrastructure projects. In some cases, the flagship programs themselves are closely interlinked, as in the case of two programs concerning the environment (Strategic Environment Framework, and Flood Control and Water Resource Management). The three economic corridor projects are linked to the telecommunications backbone project: both are prerequisites for attracting public and private investment needed to promote economic and social development along these Corridors. Also, construction of the transport components of the corridors will facilitate laying down the fiber optic cable necessary for the telecommunications backbone.

The development matrices for the flagship programs provide a preliminary roadmap for future subregional economic cooperation. Continuing dialogue and analyses are constantly needed to ensure that subregional projects interlock and lead effectively to fulfilling the GMS program goals. The subregional programs should be complementary to the countries’ national development programs. Continuing assessment, in this respect, is necessary.

To spur and monitor progress over the next five to 10 years, GMS Ministers have identified milestone goals for the GMS Program, an initial list of which includes the following:

- Completion of major transport corridors linking the subregion,
- Full implementation of GMS agreement for facilitating the cross-border transport of goods and people,
- Single-stop customs inspection procedures and other measures to facilitate trade,
- New air routes and visa agreement to facilitate tourism in the GMS,
- Certification/accreditation of trade skills to enable labor mobility,
- Subregional control of communicable diseases (notably, HIV/AIDS) and drug trade,
- Implementation of power trade agreements for the subregion,
- Completion of telecommunications backbone and adoption of a subregional policy and regulatory framework for the sector,
- Application of the Strategic Environment Framework for sustainable development, and
- Integrated expansion of the agricultural sector and agro-industry.

Resource Mobilization for Subregional Economic Cooperation

Mobilizing resources for subregional economic cooperation among GMS countries has succeeded in supporting a wide array of initiatives. Significantly, the GMS Program has been an important catalyst in this. The Asian Development Bank is the lead development partner in the GMS Program. As April 2005, ADB had provided \$1.4 billion in loans for 19 projects worth \$5.2 billion. ADB has also provided technical assistance amounting to \$ 60 million to over 100 projects with a total cost of \$105 million. ADB also plays a major role in mobilizing the participation of other development partners in the GMS.

Other subregional initiatives include the Forum for the Comprehensive Development of Indochina, the ASEAN-Mekong Basin Development Cooperation Initiative, and the ASEAN/Japan Economic and Industrial Cooperation Committee. Note that ASEAN and GMS Program initiatives for the subregion are fully complementary.

Most prominently, the GMS Program has encouraged the six member countries to initiate on their own accord new cooperation agreements. Examples include the opening of new air routes and international airport designations in the subregion, and energy purchase agreements between Thailand/Lao PDR, Viet Nam/Lao PDR, and Thailand/Cambodia.

Resource Needs for the Future

While it is clear that economic cooperation among GMS countries has advanced remarkably over the past decade, much remains to be accomplished. Subregional infrastructure projects for the transport, energy, and telecommunications sectors are costly, but they cannot be made at the expense of vital initiatives in support of “soft infrastructure,” such as harmonized customs procedures, human resource development, protection of the environment, or promotion of trade, tourism, investment, and private sector enterprise.

The resource demands are not purely financial. Technical assistance, often small-scale, is needed in all dimensions of regional cooperation. This is especially the case for initiatives relating to HRD and the environment. Another dimension of resource mobilization is organizational. The GMS countries must have the appropriate institutional structures and processes for promoting and facilitating subregional cooperation. In addition to intergovernmental coordination, processes and mechanisms should include civil society, NGOs, and the business and donor communities.

The private sector is expected to play a key role in formulating and financing subregional initiatives, including for the energy and telecommunications sectors. Already it has played an important role, as illustrated by cofinancing of the Theun Hinboun hydropower project in Lao PDR. The next phase of the GMS Program must succeed in further strengthening private sector involvement.

Financial Resource Needs for the GMS Program

Overall financial requirements for the GMS Program over the next ten years could exceed US\$10-15 billion if all the program proposals are acted upon. This projection may, however, exaggerate actual requirements as various proposals have yet to be fully rationalized. This is particularly the case with regards to the transport and energy sectors, where decisions have to be weighed over competing routes or initiatives. On the other hand, some financing requirements have yet to be estimated, or to be included – such as private sector investment and costing for industrial estates.

Sequencing the flagship components is necessary, both to ensure effective use of scarce resources, and to provide the proper basis for the interlocking components. In this manner, the course of action is fully transparent and open to all development partners.

Opportunities for Development Partners

Strong partnerships are needed among GMS countries as well as with development partners to achieve the vision of the GMS countries of a prosperous and equitable subregion. The Program is ambitious but realistic, and ample opportunities in the flagship programs exist for development partners to make important contributions. These may be large or small in monetary terms – all are

important in terms of effective partnership. Actual contributions and activities depend, of course, on the development partners' own priorities, expertise, and availability of finances.

DECLARATION OF ASEAN CONCORD II (BALI CONCORD II)

The Sultan of Brunei Darussalam, the Prime Minister of the Kingdom of Cambodia, the President of the Republic of Indonesia, the Prime Minister of the Lao People's Democratic Republic, the Prime Minister of Malaysia, the Prime Minister of the Union of Myanmar, the President of the Republic of the Philippines, the Prime Minister of the Republic of Singapore, the Prime Minister of the Kingdom of Thailand and the Prime Minister of the Socialist Republic of Viet Nam;

RECALLING the Declaration of ASEAN Concord adopted in this historic place of Bali, Indonesia in 1976, the Leaders of the Association of Southeast Asian Nations (ASEAN) expressed satisfaction with the overall progress made in the region;

NOTING in particular the expansion of ASEAN to ten countries in Southeast Asia, the deepening of regional economic integration and the impending accession to the Treaty of Amity and Cooperation (TAC) by States outside Southeast Asia;

CONSCIOUS of the need to further consolidate and enhance the achievements of ASEAN as a dynamic, resilient, and cohesive regional association for the well being of its member states and people as well as the need to further strengthen the Association's guidelines in achieving a more coherent and clearer path for cooperation between and among them;

REAFFIRMING their commitment to the principles enshrined in the ASEAN Declaration (Bangkok, 1967), the Declaration on Zone of Peace, Freedom, and Neutrality (Kuala Lumpur, 1971), the Treaty of Amity and Cooperation in Southeast Asia (Bali, 1976), the Declaration of ASEAN Concord (Bali, 1976), and the Treaty on the Southeast Asia Nuclear Weapons Free Zone (Bangkok, 1995);

COGNIZANT that the future of ASEAN cooperation is guided by the ASEAN Vision 2020, the Hanoi Plan of Action (1999-2004), and its succeeding Plans of Action, the Initiative for ASEAN Integration (IAI), and the Roadmap for the Integration of ASEAN (RIA);

CONFIRMING further that ASEAN Member Countries share primary responsibility for strengthening the economic and social stability in the region and ensuring their peaceful and progressive national development, and that they are determined to ensure their stability and security from external interference in any form or manner in order to preserve their national interest in accordance with the ideals and aspirations of their

peoples;

REAFFIRMING the fundamental importance of adhering to the principle of non-interference and consensus in ASEAN cooperation;

REITERATING that the Treaty of Amity and Cooperation in Southeast Asia (TAC) is an effective code of conduct for relations among governments and peoples;

RECOGNIZING that sustainable economic development requires a secure political environment based on a strong foundation of mutual interests generated by economic cooperation and political solidarity;

COGNIZANT of the interdependence of the ASEAN economies and the need for ASEAN member countries to adopt "Prosper Thy Neighbour" policies in order to ensure the long-term vibrancy and prosperity of the ASEAN region;

REITERATING the importance of rules-based multilateral trading system that is equitable and that contributes towards the pursuit of development;

REAFFIRMING that ASEAN is a concert of Southeast Asian nations, bonded together in partnership in dynamic development and in a community of caring societies, committed to upholding cultural diversity and social harmony;

DO HEREBY DECLARE THAT:

1. An ASEAN Community shall be established comprising three pillars, namely political and security cooperation, economic cooperation, and socio-cultural cooperation that are closely intertwined and mutually reinforcing for the purpose of ensuring durable peace, stability and shared prosperity in the region;
2. ASEAN shall continue its efforts to ensure closer and mutually beneficial integration among its member states and among their peoples, and to promote regional peace and stability, security, development and prosperity with a view to realizing an ASEAN Community that is open, dynamic and resilient;
3. ASEAN shall respond to the new dynamics within the respective ASEAN Member Countries and shall urgently and effectively address the challenge of translating ASEAN cultural diversities and different economic levels into equitable development opportunity and prosperity, in an environment of solidarity, regional resilience and harmony;
4. ASEAN shall nurture common values, such as habit of consultation to discuss political issues and the willingness to share information on matters

of common concern, such as environmental degradation, maritime security cooperation, the enhancement of defense cooperation among ASEAN countries, develop a set of socio-political values and principles, and resolve to settle long-standing disputes through peaceful means;

5. The Treaty of Amity and Cooperation in Southeast Asia (TAC) is the key code of conduct governing relations between states and a diplomatic instrument for the promotion of peace and stability in the region;

6. The ASEAN Regional Forum (ARF) shall remain the primary forum in enhancing political and security cooperation in the Asia Pacific region, as well as the pivot in building peace and stability in the region. ASEAN shall enhance its role in further advancing the stages of cooperation within the ARF to ensure the security of the Asia Pacific region;

7. ASEAN is committed to deepening and broadening its internal economic integration and linkages with the world economy to realize an ASEAN Economic Community through a bold, pragmatic and unified strategy;

8. ASEAN shall further build on the momentum already gained in the ASEAN+3 process so as to further draw synergies through broader and deeper cooperation in various areas;

9. ASEAN shall build upon opportunities for mutually beneficial regional integration arising from its existing initiatives and those with partners, through enhanced trade and investment links as well as through IAI process and the RIA;

10. ASEAN shall continue to foster a community of caring societies and promote a common regional identity;

DO HEREBY ADOPT:

The framework to achieve a dynamic, cohesive, resilient and integrated ASEAN Community:

A. ASEAN SECURITY COMMUNITY (ASC)

1. The ASEAN Security Community is envisaged to bring ASEAN's political and security cooperation to a higher plane to ensure that countries in the region live at peace with one another and with the world at large in a just, democratic and harmonious environment. The ASEAN Security Community members shall rely exclusively on peaceful processes in the settlement of intra-regional differences and regard their security as fundamentally linked to one another and bound by geographic location, common vision and objectives.

2. The ASEAN Security Community, recognizing the sovereign right of the

member countries to pursue their individual foreign policies and defense arrangements and taking into account the strong interconnections among political, economic and social realities, subscribes to the principle of comprehensive security as having broad political, economic, social and cultural aspects in consonance with the ASEAN Vision 2020 rather than to a defense pact, military alliance or a joint foreign policy.

3. ASEAN shall continue to promote regional solidarity and cooperation. Member Countries shall exercise their rights to lead their national existence free from outside interference in their internal affairs.

4. The ASEAN Security Community shall abide by the UN Charter and other principles of international law and uphold ASEAN's principles of non-interference, consensus-based decision-making, national and regional resilience, respect for national sovereignty, the renunciation of the threat or the use of force, and peaceful settlement of differences and disputes.

5. Maritime issues and concerns are transboundary in nature, and therefore shall be addressed regionally in holistic, integrated and comprehensive manner. Maritime cooperation between and among ASEAN member countries shall contribute to the evolution of the ASEAN Security Community.

6. Existing ASEAN political instruments such as the Declaration on ZOPFAN, the TAC, and the SEANWFZ Treaty shall continue to play a pivotal role in the area of confidence building measures, preventive diplomacy and the approaches to conflict resolution.

7. The High Council of the TAC shall be the important component in the ASEAN Security Community since it reflects ASEAN's commitment to resolve all differences, disputes and conflicts peacefully.

8. The ASEAN Security Community shall contribute to further promoting peace and security in the wider Asia Pacific region and reflect ASEAN's determination to move forward at a pace comfortable to all. In this regard, the ARF shall remain the main forum for regional security dialogue, with ASEAN as the primary driving force.

9. The ASEAN Security Community is open and outward looking in respect of actively engaging ASEAN's friends and Dialogue Partners to promote peace and stability in the region, and shall build on the ARF to facilitate consultation and cooperation between ASEAN and its friends and Partners on regional security matters.

10. The ASEAN Security Community shall fully utilize the existing institutions and mechanisms within ASEAN with a view to strengthening national and regional capacities to counter terrorism, drug trafficking, trafficking in persons and other transnational crimes; and shall work to ensure that the Southeast Asian Region remains free of all weapons of

mass destruction. It shall enable ASEAN to demonstrate a greater capacity and responsibility of being the primary driving force of the ARF.

11. The ASEAN Security Community shall explore enhanced cooperation with the United Nations as well as other international and regional bodies for the maintenance of international peace and security.

12. ASEAN shall explore innovative ways to increase its security and establish modalities for the ASEAN Security Community, which include, inter alia, the following elements: norms-setting, conflict prevention, approaches to conflict resolution, and post-conflict peace building.

B. ASEAN ECONOMIC COMMUNITY (AEC)

1. The ASEAN Economic Community is the realisation of the end-goal of economic integration as outlined in the ASEAN Vision 2020, to create a stable, prosperous and highly competitive ASEAN economic region in which there is a free flow of goods, services, investment and a freer flow of capital, equitable economic development and reduced poverty and socio-economic disparities in year 2020.

2. The ASEAN Economic Community is based on a convergence of interests among ASEAN members to deepen and broaden economic integration efforts through existing and new initiatives with clear timelines.

3. The ASEAN Economic Community shall establish ASEAN as a single market and production base, turning the diversity that characterises the region into opportunities for business complementation making the ASEAN a more dynamic and stronger segment of the global supply chain. ASEAN's strategy shall consist of the integration of ASEAN and enhancing ASEAN's economic competitiveness. In moving towards the ASEAN Economic Community, ASEAN shall, inter alia, institute new mechanisms and measures to strengthen the implementation of its existing economic initiatives including the ASEAN Free Trade Area (AFTA), ASEAN Framework Agreement on Services (AFAS) and ASEAN Investment Area (AIA); accelerate regional integration in the priority sectors; facilitate movement of business persons, skilled labour and talents; and strengthen the institutional mechanisms of ASEAN, including the improvement of the existing ASEAN Dispute Settlement Mechanism to ensure expeditious and legally binding resolution of any economic disputes. As a first step towards the realization of the ASEAN Economic Community, ASEAN shall implement the recommendations of the [High Level Task Force on ASEAN Economic Integration as annexed](#).

4. The ASEAN Economic Community shall ensure that deepening and broadening integration of ASEAN shall be accompanied by technical and development cooperation in order to address the development divide and accelerate the economic integration of Cambodia, Lao PDR, Myanmar and Viet Nam through IAI and RIA so that the benefits of ASEAN integration

are shared and enable all ASEAN Member Countries to move forward in a unified manner.

5. The realization of a fully integrated economic community requires implementation of both liberalization and cooperation measures. There is a need to enhance cooperation and integration activities in other areas. These will involve, among others, human resources development and capacity building; recognition of educational qualifications; closer consultation on macroeconomic and financial policies; trade financing measures; enhanced infrastructure and communications connectivity; development of electronic transactions through e-ASEAN; integrating industries across the region to promote regional sourcing; and enhancing private sector involvement.

C. ASEAN SOCIO-CULTURAL COMMUNITY (ASCC)

1. The ASEAN Socio-cultural Community, in consonance with the goal set by ASEAN Vision 2020, envisages a Southeast Asia bonded together in partnership as a community of caring societies.

2. In line with the programme of action set by the 1976 Declaration of ASEAN Concord, the Community shall foster cooperation in social development aimed at raising the standard of living of disadvantaged groups and the rural population, and shall seek the active involvement of all sectors of society, in particular women, youth, and local communities.

3. ASEAN shall ensure that its work force shall be prepared for, and benefit from, economic integration by investing more resources for basic and higher education, training, science and technology development, job creation, and social protection. The development and enhancement of human resources is a key strategy for employment generation, alleviating poverty and socio-economic disparities, and ensuring economic growth with equity. ASEAN shall continue existing efforts to promote regional mobility and mutual recognition of professional credentials, talents, and skills development.

4. ASEAN shall further intensify cooperation in the area of public health, including in the prevention and control of infectious diseases, such as HIV/AIDS and SARS, and support joint regional actions to increase access to affordable medicines. The security of the Community is enhanced when poverty and diseases are held in check, and the peoples of ASEAN are assured of adequate health care.

5. The Community shall nurture talent and promote interaction among ASEAN scholars, writers, artists and media practitioners to help preserve and promote ASEAN's diverse cultural heritage while fostering regional identity as well as cultivating people's awareness of ASEAN.

6. The Community shall intensify cooperation in addressing problems

associated with population growth, unemployment, environmental degradation and transboundary pollution as well as disaster management in the region to enable individual members to fully realize their development potentials and to enhance the mutual ASEAN spirit.

We hereby pledge to our peoples our resolve and commitment to bring the ASEAN Community into reality and, for this purpose, task the concerned Ministers to implement this Declaration.

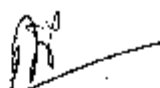
Done in Bali, Indonesia, on the Seventh Day of October in the Year Two Thousand and Three.

For Brunei Darussalam



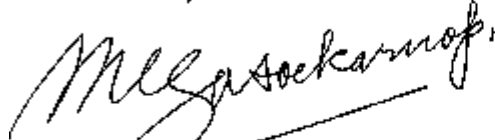
HAJI HASSANAL BOLKIAH
Sultan of Brunei Darussalam

For the Kingdom of Cambodia



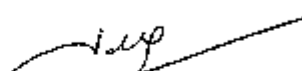
SAMDECH HUN SEN
Prime Minister

For the Republic of Indonesia



MEGAWATI SOEKARNOPUTRI
President

For the Lao People's Democratic Republic



BOUNNHANG VORACHITH
Prime Minister

For Malaysia



DR. MAHATHIR BIN MOHAMAD
Prime Minister

For the Union of Myanmar



GENERAL KHIN NYUNT
Prime Minister

For the Republic of the Philippines



GLORIA MACAPAGAL-ARROYO
President

For the Republic of Singapore



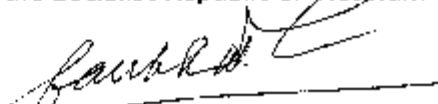
GOH CHOK TONG
Prime Minister

For the Kingdom of Thailand



DR. THAKSIN SHINAWATRA
Prime Minister

For the Socialist Republic of Viet Nam



PHAN VAN KHAI
Prime Minister

ASEAN Vision 2020

We, the Heads of State/Government of the Association of Southeast Asian Nations, gather today in Kuala Lumpur to reaffirm our commitment to the aims and purposes of the Association as set forth in the Bangkok Declaration of 8 August 1967, in particular to promote regional cooperation in Southeast Asia in the spirit of equality and partnership and thereby contribute towards peace, progress and prosperity in the region.

We in ASEAN have created a community of Southeast Asian nations at peace with one another and at peace with the world, rapidly achieving prosperity for our peoples and steadily improving their lives. Our rich diversity has provided the strength and inspiration to us to help one another foster a strong sense of community.

We are now a market of around 500 million people with a combined gross domestic product of US\$600 billion. We have achieved considerable results in the economic field, such as high economic growth, stability and significant poverty alleviation over the past few years. Members have enjoyed substantial trade and investment flows from significant liberalisation measures.

We resolve to build upon these achievements.

Now, as we approach the 21st century, thirty years after the birth of ASEAN, we gather to chart a vision for ASEAN on the basis of today's realities and prospects in the decades leading to the Year 2020.

That vision is of ASEAN as a concert of Southeast Asian nations, outward looking, living in peace, stability and prosperity, bonded together in partnership in dynamic development and in a community of caring societies.

A Concert of Southeast Asian Nations

We envision the ASEAN region to be, in 2020, in full reality, a Zone of Peace, Freedom and Neutrality, as envisaged in the Kuala Lumpur Declaration of 1971.

ASEAN shall have, by the year 2020, established a peaceful and stable Southeast Asia where each nation is at peace with itself and where the causes for conflict have been eliminated, through abiding respect for justice and the rule of law and through the strengthening of national and regional resilience.

We envision a Southeast Asia where territorial and other disputes are resolved by peaceful means.

We envision the Treaty of Amity and Cooperation in Southeast Asia functioning fully as a binding code of conduct for our governments and peoples, to which other states with interests in the region adhere.

We envision a Southeast Asia free from nuclear weapons, with all the Nuclear Weapon States committed to the purposes of the Southeast Asia Nuclear Weapons Free Zone Treaty through their adherence to its Protocol. We also envision our region free from all other weapons of mass destruction.

We envision our rich human and natural resources contributing to our development and shared prosperity.

We envision the ASEAN Regional Forum as an established means for confidence-building and preventive diplomacy and for promoting conflict-resolution.

We envision a Southeast Asia where our mountains, rivers and seas no longer divide us but link us together in friendship, cooperation and commerce.

We see ASEAN as an effective force for peace, justice and moderation in the Asia-Pacific and in the world.

A Partnership in Dynamic Development

We resolve to chart a new direction towards the year 2020 called, ASEAN 2020 : Partnership in Dynamic Development which will forge closer economic integration within ASEAN.

We reiterate our resolve to enhance ASEAN economic cooperation through economic development strategies, which are in line with the aspiration of our respective peoples, which put emphasis on sustainable and equitable growth, and enhance national as well as regional resilience.

We pledge to sustain ASEAN's high economic performance by building upon the foundation of our existing cooperation efforts, consolidating our achievements, expanding our collective efforts and enhancing mutual assistance.

We commit ourselves to moving towards closer cohesion and economic integration, narrowing the gap in the level of development among Member Countries, ensuring that the multilateral trading system remains fair and open, and achieving global competitiveness.

We will create a stable, prosperous and highly competitive ASEAN Economic Region in which there is a free flow of goods, services and investments, a freer flow of capital, equitable economic development and reduced poverty and socio-economic disparities.

We resolve, inter-alia, to undertake the following:

- maintain regional macroeconomic and financial stability by promoting closer consultations in macroeconomic and financial policies.
- advance economic integration and cooperation by undertaking the following general strategies: fully implement the ASEAN Free Trade Area and accelerate liberalization of trade in services, realise the ASEAN Investment Area by 2010 and free flow of investments by 2020; intensify and expand sub-regional cooperation in existing and new sub-regional growth areas; further consolidate and expand extra-ASEAN regional linkages for mutual benefit cooperate to strengthen the multilateral trading system, and reinforce the role of the business sector as the engine of growth.
- promote a modern and competitive small and medium enterprises (SME) sector in ASEAN which will contribute to the industrial development and efficiency of the region.
- accelerate the free flow of professional and other services in the region.
- promote financial sector liberalisation and closer cooperation in money and capital market, tax, insurance and customs matters as well as closer consultations in macroeconomic and financial policies.
- accelerate the development of science and technology including information technology by establishing a regional information technology network and centers of excellence for dissemination of and easy access to data and information.
- establish interconnecting arrangements in the field of energy and utilities for electricity, natural gas and water within ASEAN through the ASEAN Power Grid and a Trans-ASEAN Gas Pipeline and Water Pipeline, and promote cooperation in energy efficiency and conservation, as well as the development of new and renewable energy resources.
- enhance food security and international competitiveness of food, agricultural and forest products, to make ASEAN a leading producer of these products, and promote the forestry sector as a model in forest management, conservation and sustainable development.

- meet the ever increasing demand for improved infrastructure and communications by developing an integrated and harmonized trans-ASEAN transportation network and harnessing technology advances in telecommunication and information technology, especially in linking the planned information highways/multimedia corridors in ASEAN, promoting open sky policy, developing multi-modal transport, facilitating goods in transit and integrating telecommunications networks through greater interconnectivity, coordination of frequencies and mutual recognition of equipment-type approval procedures.
- enhance human resource development in all sectors of the economy through quality education, upgrading of skills and capabilities and training.
- work towards a world class standards and conformance system that will provide a harmonised system to facilitate the free flow of ASEAN trade while meeting health, safety and environmental needs.
- use the ASEAN Foundation as one of the instruments to address issues of unequal economic development, poverty and socioeconomic disparities.
- promote an ASEAN customs partnership for world class standards and excellence in efficiency, professionalism and service, and uniformity through harmonised procedures, to promote trade and investment and to protect the health and well-being of the ASEAN community,
- enhance intra-ASEAN trade and investment in the mineral sector and to contribute towards a technologically competent ASEAN through closer networking and sharing of information on mineral and geosciences as well as to enhance cooperation and partnership with dialogue partners to facilitate the development and transfer of technology in the mineral sector, particularly in the downstream research and the geosciences and to develop appropriate mechanism for these.

A Community of Caring Societies

We envision the entire Southeast Asia to be, by 2020, an ASEAN community conscious of its ties of history, aware of its cultural heritage and bound by a common regional identity.

We see vibrant and open ASEAN societies consistent with their respective national identities, where all people enjoy equitable access to opportunities for total human development regardless of gender, race, religion, language, or social and cultural background.

We envision a socially cohesive and caring ASEAN where hunger, malnutrition, deprivation and poverty are no longer basic problems, where strong families as the basic units of society tend to their members particularly the children, youth, women and elderly; and where the civil society is empowered and gives special attention to the disadvantaged, disabled and marginalized and where social justice and the rule of law reign.

We see well before 2020 a Southeast Asia free of illicit drugs, free of their production, processing, trafficking and use.

We envision a technologically competitive ASEAN competent in strategic and enabling technologies, with an adequate pool of technologically qualified and trained manpower, and strong networks of scientific and technological institutions and centers of excellence.

We envision a clean and green ASEAN with fully established mechanisms for sustainable development to ensure the protection of the region's environment, the sustainability of its natural resources, and the high quality of life of its peoples.

We envision the evolution in Southeast Asia of agreed rules of behaviour and cooperative measures to deal with problems that can be met only on a regional scale, including environmental pollution and degradation, drug trafficking, trafficking in women and children, and other transnational crimes.

We envision our nations being governed with the consent and greater participation of the people with its focus on the welfare and dignity of the human person and the good of the community.

We resolve to develop and strengthen ASEAN's institutions and mechanisms to enable ASEAN to realize the vision and respond to the challenges of the coming century. We also see the need for a strengthened ASEAN Secretariat with an enhanced role to support the realization of our vision.

An Outward-Looking ASEAN

We see an outward-looking ASEAN playing a pivotal role in the international fora, and advancing ASEAN's common interests. We envision ASEAN having an intensified relationship with its Dialogue Partners and other regional organisations based on equal partnership and mutual respect.

Conclusion

We pledge to our peoples our determination and commitment to bringing this ASEAN Vision for the Year 2020 into reality.

Kuala Lumpur
15 December 1997

ปฏิญญาพுகาม

เรา หัวหน้ารัฐบาลแห่งราชอาณาจักรกัมพูชา สาธารณรัฐประชาธิปไตยประชาชนลาว สหภาพพม่า และราชอาณาจักรไทย

สร้างสรรค์ จากความเป็นเพื่อนบ้านที่ดี มรดกทางประวัติศาสตร์ วัฒนธรรม และศาสนาที่คล้ายคลึง และผลประโยชน์ร่วมกัน

ดอกหญ้า ความปรารถนาและความตั้งใจอันแรงกล้าของพวกเราที่จะสร้างรากฐานที่มั่นคงสำหรับการดำเนินการเพื่อยุติร่วมกันท่ามกลางสันติภาพและความมั่งคั่ง ด้วยการเสริมสร้างความเข้าใจ ความมั่นใจ ความเป็นเพื่อนบ้านที่ดีระหว่างสี่ประเทศ โดยตระหนักว่า สภาพแวดล้อมทางการเมืองที่มั่นคงเป็นสิ่งจำเป็นสำหรับความร่วมมือเพื่อการพัฒนาเศรษฐกิจอย่างยั่งยืน

ยืนยัน ความมุ่งมั่นที่จะเร่งการเติบโตทางเศรษฐกิจ ความก้าวหน้าทางสังคม และพัฒนาการทางวัฒนธรรมในภูมิภาค ผ่านความพยายามร่วมกัน ด้วยจิตวิญญาณของความเท่าเทียมและความเป็นหุ้นส่วนเพื่อสร้างรากฐานที่แข็งแกร่งสำหรับประชาคมแห่งชาติที่มั่งคั่งและมีสันติ

ปรารถนา ที่จะสร้างความมั่งคั่งในภูมิภาค ด้วยความเป็นปึกแผ่นยิ่งขึ้น ความเคารพซึ่งกันและกัน มิตรภาพที่ใกล้ชิด ความเป็นเพื่อนบ้านที่ดี และความร่วมมืออย่างเข้มข้นระหว่างสี่ชาติ เพื่อใช้ประโยชน์อย่างเต็มที่จากศักยภาพทางเศรษฐกิจอันมหาศาลของเรา ในการส่งเสริมการพัฒนาทางเศรษฐกิจด้วยตนเองอย่างยั่งยืน และเพื่อยกระดับสวัสดิภาพและคุณภาพชีวิตของประชาชนของเรา

ตระหนัก ถึงความจำเป็นที่จะต้องแสวงหาแนวทางและวิธีการที่จะให้ประชาชนของเรามีได้มีการเติบโตทางเศรษฐกิจมากขึ้น และสร้างสายสัมพันธ์ทางสังคมและวัฒนธรรมและการมีปฏิสัมพันธ์ระหว่างประชาชนของเรา

เล็งเห็น การแปลงเขตชายแดนของสี่ประเทศให้เป็นเขตแห่งสันติภาพที่ยั่งยืน มีเสถียรภาพ และการเติบโตทางเศรษฐกิจ เพื่อส่งเสริมความก้าวหน้าทางสังคมและความมั่งคั่งของประชาชนของเรา และเพื่อผสมผสานผลประโยชน์ในระดับท้องถิ่น ระดับชาติ และระดับภูมิภาค เพื่อผลประโยชน์และความมั่งคั่งร่วมกัน

เชื่อมั่น ว่า ยุทธศาสตร์ความร่วมมือทางเศรษฐกิจจะกระตุ้นโครงการความร่วมมือในภูมิภาค โดยเฉพาะในบริบทของประชาคมเศรษฐกิจอาเซียน (ASEAN Economic Community) และสอดคล้องกับกรอบความร่วมมือทวิภาคีอื่นๆ ที่ดำเนินอยู่

ยืนยัน ความยึดมั่นของเราต่อหลักการที่กำหนดไว้ในปฏิญญาอาเซียนที่กรุงเทพฯ เมื่อปี 2510 และสนธิสัญญามิตรภาพและความร่วมมือในเอเชียตะวันออกเฉียงใต้ (Treaty of Amity and Cooperation in Southeast Asia)

ขอประกาศว่า

- เป้าหมายหลักของ ECS คือ
 - เพื่อส่งเสริมความสามารถในการแข่งขันและก่อให้เกิดความเจริญเติบโตมากขึ้นตามแนวชายแดน
 - เพื่ออำนวยความสะดวกให้มีการเคลื่อนย้ายอุตสาหกรรมเกษตรและการผลิตไปยังบริเวณที่มีความได้เปรียบเชิงเปรียบเทียบ
 - เพื่อสร้างโอกาสการจ้างงานและลดความแตกต่างของรายได้ในหมู่ประเทศทั้งสี่
 - เพื่อส่งเสริมสันติภาพ เสถียรภาพ และความมั่งคั่งร่วมกันสำหรับทุกฝ่ายในลักษณะที่ยั่งยืน
- กิจกรรมของ ECS จะมีลักษณะดังนี้
 - สอดคล้องและส่งเสริมความร่วมมือทางเศรษฐกิจระดับทวิภาคีและภูมิภาคที่มีอยู่แล้ว
 - ปฏิบัติได้โดยมีผลที่เป็นรูปธรรม โดยใช้ความได้เปรียบเชิงเปรียบเทียบของแต่ละประเทศ
 - ทำได้จริงและเป็นที่ยอมรับได้โดยประเทศที่เกี่ยวข้อง
 - ยึดหลักการแบ่งปันผลประโยชน์อย่างสมัครใจและเท่าเทียมกัน
 - ยึดหลักกันตมตริระหว่างประเทศที่เกี่ยวข้อง
- ความร่วมมือของ ECS จะดำเนินในด้านต่างๆ ดังนี้
 - การอำนวยความสะดวกด้านการค้าและการลงทุน
 - เพื่อใช้ประโยชน์จากความได้เปรียบเชิงเปรียบเทียบของประเทศที่เกี่ยวข้อง
 - เพื่ออำนวยความสะดวกสำหรับการไหลเวียนของสินค้าและการลงทุนเพื่อให้เกิดการจ้างงาน
 - เพื่อสร้างรายได้และลดความเหลื่อมล้ำทางเศรษฐกิจสังคม
 - ความร่วมมือด้านการเกษตรและอุตสาหกรรม
 - เพื่อเสริมสร้างความเข้มแข็งและส่งเสริมความร่วมมือด้านการเกษตรและอุตสาหกรรมโดยสร้างและพัฒนาโครงสร้างพื้นฐาน จัดสรรการผลิต การตลาด และการจัดซื้อร่วมกัน การวิจัยและพัฒนา และการแลกเปลี่ยนข้อมูลระหว่างกัน
 - การเชื่อมโยงการขนส่ง
 - พัฒนาและใช้ประโยชน์จากการเชื่อมโยงการขนส่งระหว่างประเทศที่เกี่ยวข้อง
 - อำนวยความสะดวกสำหรับการค้า การลงทุน เกษตรกรรม การผลิตทางอุตสาหกรรม และการท่องเที่ยว
 - ความร่วมมือด้านการท่องเที่ยว
 - ส่งเสริมยุทธศาสตร์ร่วมสำหรับความร่วมมือด้านการท่องเที่ยวระหว่างประเทศที่เกี่ยวข้อง
 - อำนวยความสะดวกการท่องเที่ยวในหมู่ทั้งสี่ประเทศและจากภูมิภาคอื่นๆ
 - การพัฒนาทรัพยากรมนุษย์
 - ส่งเสริมการเสริมสร้างขีดความสามารถของคนและสถาบัน
 - ริเริ่มมาตรการเพื่อพัฒนายุทธศาสตร์การพัฒนาทรัพยากรมนุษย์ให้สามารถแข่งขันได้ในระดับภูมิภาค

เห็นพ้องที่จะดำเนินการดังนี้

- มอบหมายให้รัฐมนตรีนำแผนปฏิบัติการและโครงการร่วมและทวิภาคี ดังแนบ ไปปฏิบัติอย่างมีประสิทธิภาพและรวดเร็ว
- ส่งเสริมภาคเอกชนให้เข้าร่วมอย่างเต็มที่ในการนำปฏิบัติเพื่อให้วัตถุประสงค์ของ ECS ลุล่วงไปด้วยดี
- ระดมความช่วยเหลือให้เปล่าหรือเงินกู้ดอกเบี้ยต่ำเพื่อให้เกิดการลงทุนมากที่สุดในพื้นที่บริเวณชายแดน
- จัดการประชุมผู้นำทุกสองปี และการประชุมรัฐมนตรีและเจ้าหน้าที่อาวุโสทุกปี เพื่อเร่งรัดให้ ECS ถูกนำไปปฏิบัติอย่างเป็นรูปธรรม

5. เรียกความตกลงนี้ว่า "ยุทธศาสตร์ความร่วมมือทางเศรษฐกิจอิระวดี-เจ้าพระยา-แม่โขง" หรือ Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy โดยเรียกย่อว่า ACMECS

ทำขึ้น ณ เมืองพุกาม สหภาพพม่า เมื่อวันที่ 12 เดือนพฤศจิกายน พ.ศ. 2546

ในนามราชอาณาจักรกัมพูชา
สมเด็จพระเจ้าน้องนางเธอ เจ้าฟ้าจุฬาภรณวลัยลักษณ์ อัครราชกุมารี
นายกรัฐมนตรี

ในนามสาธารณรัฐประชาธิปไตยประชาชนลาว
นายยัง วอละจิต
นายกรัฐมนตรี

ในนามสหภาพพม่า
พลเอกชวิน ยูน
นายกรัฐมนตรี

ในนามราชอาณาจักรไทย
พ.ต.ท. ทักษิณ ชินวัตร
นายกรัฐมนตรี

เกี่ยวกับ ACMECS

ยุทธศาสตร์ความร่วมมือทางเศรษฐกิจ อิรวดี – เจ้าพระยา – แม่น้ำโขง เป็นแนวคิดที่ พ.ต.ท. ดร. ทักษิณ ชินวัตร นายกรัฐมนตรีได้หยิบยื่นขึ้นหารือกับผู้นำ กัมพูชา ลาว และพม่า ในช่วงการประชุมผู้นำอาเซียนสมัยพิเศษว่าด้วยโรค SARS เมื่อ 29 เมษายน 2546 ที่กรุงเทพฯ และได้รับการสนับสนุนในหลักการจากผู้นำประเทศเพื่อนบ้านทั้งสามดังกล่าว

วัตถุประสงค์ของความร่วมมือทางเศรษฐกิจคือการลดช่องว่างทางเศรษฐกิจระหว่างประเทศทั้งสี่เพื่อส่งเสริมความเจริญอย่างยั่งยืนในอนุภูมิภาค ความเจริญดังกล่าวไม่เพียงแต่จะเป็นผลประโยชน์ของประเทศทั้งสี่ แต่ยังส่งเสริมและก่อให้เกิดความเข้มแข็งให้แก่กรอบความร่วมมืออาเซียน ทั้งนี้ เนื่องจากความเข้มแข็งของกัมพูชา ลาว พม่า และไทยย่อมหมายถึงความเข้มแข็งของอาเซียนโดยรวม ดังนั้น กรอบความร่วมมือนี้จึงเปรียบเสมือนกรอบความร่วมมือที่ช่วยส่งเสริมการรวมตัวภายใต้กรอบอาเซียนให้มีความก้าวหน้ารวดเร็วขึ้นบนพื้นฐานของการช่วยเหลือตนเองและการเล็งเห็นถึงผลประโยชน์ร่วมกัน

ผู้นำประเทศกัมพูชา ลาว พม่า และไทยได้ประชุมร่วมกันเป็นครั้งแรกภายใต้กรอบความร่วมมือ ACMECS เมื่อวันที่ 12 พฤศจิกายน 2546 ที่เมืองพุกาม สหภาพพม่า ในการประชุมดังกล่าว ผู้นำประเทศสมาชิกได้ลงนามร่วมกันใน**ปฏิญญาพุกาม**ที่จะมีความร่วมมือระหว่างกันในสาขาความร่วมมือสำคัญ 5 สาขา และให้ความเห็นชอบใน**แผนปฏิบัติการ**ซึ่งประกอบด้วยโครงการรวม 46 โครงการ และโครงการทวิภาคี 224 โครงการซึ่งจะมีการดำเนินการภายในระยะเวลา 10 ปี โดยผู้นำประเทศสมาชิกต่างเห็นชอบร่วมกันให้เรียกกรอบความร่วมมือนี้ว่า ยุทธศาสตร์ความร่วมมือทางเศรษฐกิจ อิรวดี – เจ้าพระยา – แม่น้ำโขง

การเข้าร่วมเป็นสมาชิกของเวียดนามเมื่อวันที่ 10 พฤษภาคม 2547 ได้ทำให้ประเทศสมาชิกเพิ่มขึ้นเป็น 5 ประเทศ ซึ่งช่วยเพิ่มความเข้มแข็งให้แก่กรอบความร่วมมือ ACMECS

กิจกรรมภายใต้กรอบ ACMECS จะเน้นการลดความยากจนเพื่อช่วยให้เกิดการพัฒนาอย่างยั่งยืนตามเป้าหมายเพื่อการพัฒนาแห่งสหัสวรรษของสหประชาชาติ โดยตั้งอยู่บนพื้นฐานของการช่วยเหลือตนเองและการเป็นส่วนที่เท่าเทียมกัน ACMECS เน้นการทำงานที่ส่งเสริมและต่อยอดโครงการความร่วมมือที่มีอยู่แล้วในภูมิภาคเพื่อส่งเสริมให้พื้นที่ชายแดนของประเทศสมาชิกเป็นพื้นที่แห่งการเจริญเติบโตทางเศรษฐกิจ และความเจริญก้าวหน้าทางสังคมวัฒนธรรม พร้อมทั้งเป็นการผสมผสานผลประโยชน์ทั้งในระดับท้องถิ่น ระดับชาติ และระดับภูมิภาคให้เป็นผลประโยชน์ร่วมกัน เพื่อสร้างความเจริญ ความเป็นน้ำหนึ่งใจเดียวกัน ความสงบสุข ความมั่นคง และความเป็นเพื่อนบ้านที่ดีระหว่างประเทศสมาชิก

กิจกรรมภายใต้กรอบ ACMECS ซึ่งส่งเสริมและต่อยอดโครงการความร่วมมือที่มีอยู่แล้วในภูมิภาคนี้ จะเน้นความร่วมมือที่ปฏิบัติได้จริงและก่อให้เกิดผลอย่างเป็นรูปธรรม โดยอาศัยความได้เปรียบเชิงเปรียบเทียบของแต่ละประเทศสมาชิก มีความเป็นไปได้และเป็นที่ยอมรับโดยทุกประเทศที่เกี่ยวข้อง ทั้งนี้ การดำเนินการจะตั้งอยู่บนพื้นฐานของความสมัครใจ ยึดหลักฉันทามติ และการแบ่งปันผลประโยชน์ที่เท่าเทียมกัน

กลไกการทำงาน

1. การประชุมระดับผู้นำทุก 2 ปี
2. การประชุมระดับรัฐมนตรีปีละครั้ง
3. การประชุมระดับเจ้าหน้าที่อาวุโสทุก 6 เดือน
4. การประชุมคณะทำงานเพื่อประสานงานระหว่างสถานเอกอัครราชทูตของประเทศสมาชิกที่กรุงเทพฯ ทุก 2 เดือน
5. การประชุมระดับคณะทำงานรายสาขา

การประชุมสำคัญที่ผ่านมา

15 กรกฎาคม 2546 การประชุมระดับเจ้าหน้าที่อาวุโส (SOM) ที่เวียงจันทน์ ลาว

31 กรกฎาคม 2546 การประชุมระดับเจ้าหน้าที่อาวุโสอย่างไม่เป็นทางการ (informal SOM) ที่กรุงเทพฯ

1 สิงหาคม 2546 การประชุมระดับรัฐมนตรี (รัฐมนตรีต่างประเทศ) (MM) ที่กรุงเทพฯ

27 สิงหาคม 2546 การประชุมคณะทำงานยกร่าง Plan of Action และโครงการ ที่เมืองเสียมราฐ กัมพูชา

30 กันยายน – 1 ตุลาคม 2546 การประชุมคณะทำงานยกร่างโครงการรวมและโครงการทวิภาคีใน Plan of Action ที่กรุงเทพฯ

27 ตุลาคม 2546 การประชุมระดับรัฐมนตรี (รัฐมนตรีเศรษฐกิจการค้า) ที่กรุงเทพฯ

10 พฤศจิกายน 2546 การประชุมระดับเจ้าหน้าที่อาวุโส (SOM) ที่กรุงย่างกุ้ง พม่า

10 พฤศจิกายน 2546 การประชุมระดับรัฐมนตรี (รัฐมนตรีต่างประเทศ) (MM) ที่กรุงย่างกุ้ง พม่า

12 พฤศจิกายน 2546 การประชุมผู้นำ ACMECS ที่เมืองพุกาม พม่า
----- (10 พฤษภาคม 2547 เวียดนามเข้าเป็นสมาชิก ACMECS) -----

3 – 4 มิถุนายน 2547 การประชุมเชิงปฏิบัติการ ACMECS Workshop on Enhancing the Competitiveness of the Planning Agencies in Cambodia, Lao PDR, Myanmar and Thailand โดยมีเจ้าหน้าที่ระดับปฏิบัติ / วางแผนเข้าร่วมจากกัมพูชา ลาว พม่า เวียดนาม และไทย ที่เมืองฟัทยา จ.ชลบุรี

18-19 สิงหาคม 2547 การประชุมระดับเจ้าหน้าที่อาวุโสที่กรุงย่างกุ้ง สหภาพพม่า

1-2 พฤศจิกายน 2547 ไทยเป็นเจ้าภาพจัดการประชุมระดับเจ้าหน้าที่อาวุโสสมัยพิเศษและการจัดประชุมรัฐมนตรีต่างประเทศอย่างไม่เป็นทางการ (ACMECS Special SOM and Ministerial Retreat) ที่ จ.กระบี่ โดยมีผู้แทนจากประเทศหุ้นส่วนเพื่อการพัฒนา (development partners) จาก ฝรั่งเศส เยอรมนี ออสเตรเลีย นิวซีแลนด์ ญี่ปุ่น และธนาคารพัฒนาเอเชีย (ADB: Asian Development Bank) เข้าร่วมการประชุมทั้งสองวาระดังกล่าวด้วย

4 - 5 สิงหาคม 2548 การประชุมระดับเจ้าหน้าที่อาวุโสและระดับรัฐมนตรีต่างประเทศ ที่เมืองเสียมราฐ ประเทศกัมพูชา

7 ตุลาคม 2548 การประชุมระหว่างเจ้าหน้าที่อาวุโส ACMECS และผู้แทนประเทศหุ้นส่วนเพื่อการพัฒนา

1 - 3 พฤศจิกายน 2548 การประชุมระดับผู้นำครั้งที่ 2 ที่กรุงเทพฯ

กลไกของฝ่ายไทย

- คำสั่งสำนักนายกรัฐมนตรีเมื่อ 18 ก.ค. 2548 จัดตั้งคณะกรรมการพัฒนาความร่วมมือกับประเทศเพื่อนบ้าน (กพบ.) เพื่อทำหน้าที่พิจารณา สันctionเสนอแนะนโยบาย แผนงานและโครงการความร่วมมือกับประเทศเพื่อนบ้านเพื่อลดช่องว่างทางเศรษฐกิจ ซึ่งครอบคลุมการดำเนินงาน ACMECS ด้วย

- พระราชกฤษฎีกาจัดตั้งสำนักงานความร่วมมือเพื่อการพัฒนาเศรษฐกิจกับประเทศเพื่อนบ้าน (องค์การมหาชน)- สพพ. เมื่อวันที่ 16 พ.ค.2548 เพื่อให้การช่วยเหลือทางการเงินในโครงการความร่วมมือทางเศรษฐกิจกับประเทศเพื่อนบ้าน โดยเฉพาะโครงการก่อสร้างเส้นทางคมนาคม

- ACMECS มีสำนักงานคณะกรรมการพัฒนาการเศรษฐกิจและสังคมแห่งชาติเป็นหน่วยงานหลักในการประสานงานระหว่างหน่วยงานที่เกี่ยวข้องของไทย และ กระทรวงการต่างประเทศทำหน้าที่ประสานงานระหว่างประเทศสมาชิกและประเทศหุ้นส่วนเพื่อการพัฒนา

THE ECONOMIC COOPERATION STRATEGY PLAN OF ACTION

Introduction

At the Special ASEAN Leaders' Meeting on SARS in Bangkok on 29 April 2003, Prime Minister Thaksin Shinawatra informally introduced the possibility for the four nations to develop an Economic Cooperation Strategy (ECS) to fully harness the enormous economic potential among them. The Leaders of Cambodia, Laos, and Myanmar had welcomed the idea. Such cooperation is expected not only to bring about a win-win situation for all four countries, but also to facilitate deeper economic integration through greater intra-regional trade and investment.

To this end, the first meeting of Foreign Ministers on the Economic Cooperation Strategy (ECS) between Cambodia, Lao PDR, Myanmar and Thailand (CLMT), held in Bangkok on 1 August 2003, discussed the concept, principles and strategic areas of economic cooperation among the four nations in order to increase trade and investment, enhance competitiveness and generate more employment and improved distribution of income and quality of life in the sub-region.

In order to implement the ECS, action plans are being drawn up to materialize this strategy. The Economic Cooperation Strategy Plan of Action (ECSPA) is the first in a series of plans of action, building up to the realization of the goals of the ECS.

The ECSPA has a 10-year timeframe from 2003 to 2012. The progress of its implementation shall be reviewed every two years. To facilitate implementation, the proposed investment programs, projects and cooperation arrangements are divided into phases: immediate-to-short term (2003-2005), medium term (2006-2008) and long term (2009-2012).

In recognition of the need to promote economic cooperation, the CLMT countries shall implement initiatives to reduce trade barriers, improve transport linkages and upgrade major border checkpoints and promote cooperation in five strategic areas as follows:

1. Trade and Investment Facilitation

The ECS shall capitalize on the comparative advantages of the CLMT countries to establish a prosperous and highly competitive sub-region. The objective is to facilitate the flows of goods and investments, which are crucial for job creation, income promotion and reduced socio-economic disparities.

- 1.1. Strengthen production and marketing potentials, expand trading activities and improve the flows of goods and services within and across markets;
- 1.2. Explore various payment modalities to facilitate trade transactions and encourage the increased use of CLMT currencies for border trade transactions and explore the introduction of an account trade system;
- 1.3. Facilitate transit shipment of goods to provide better access to export outlets/ product distribution centers along the border areas;
- 1.4. Enhance trade facilitation in customs by simplifying customs procedures and strengthening customs administration;
- 1.5. Establish contact points to facilitate ongoing exchange of information/ ECS Business Forum;
- 1.6. Enhance the competitiveness of the CLMT sub-region for attracting sustainable levels of direct investment flows into the sub-region;
- 1.7. Extend, where it is appropriate under the laws, the 100 percent shareholder status in industrial sector to investors from the CLMT countries and open up relevant industries for investments;
- 1.8. Enhance transparency and simplify rules, regulations and policies relating to trade and investment, including rules on, (a) licensing, (b) access to domestic finance, (c) payments and receipts and (d) repatriation of profits by investors;
- 1.9. Create attractive investment environment via the provision of major off-site infrastructure and regional supply systems, such as power and transportation.

2. Agricultural and Industrial Cooperation

The CLMT nations shall strengthen and enhance cooperation efforts in agriculture and industry through such means as establishing or improving infrastructure facilities, joint production, marketing and purchasing arrangements, research and development and exchange of information.

Agricultural Cooperation:

The objective is to strengthen agricultural cooperation by increasing productivity, improving market access and promoting investments in agriculture, livestock, fisheries and forestry among the CLMT countries.

- 2.1. Identify potential cash crops for joint development (i.e. soy bean, corn and castor bean) among the CLMT countries;

- 2.2. Increase farmers' production efficiency by broadening institutional frameworks to enable effective cooperation in production, research and development activities;
- 2.3. Develop and strengthen farmers and rural communities in economic, social and environmental management to promote sustainable development through enhanced human resource development programs;
- 2.4. Promote close consultation and cooperation of private sector of CLMT countries in investments in agriculture and agro-processing industries;
- 2.5. Enhance the competitiveness of agriculture sector through development and use of appropriate technologies to increase productivity and quality;
- 2.6. Integrate the production base by introducing appropriate technologies, expanding and improving supply chains of agricultural produce;
- 2.7. Promote information sharing, joint marketing and systematizing flows of primary goods from production areas to processing facilities and market networks;
- 2.8. Undertake analysis of the long-term supply and demand prospects of major food commodities (rice, corn, soybean, sugar, oilseeds, vegetable and fruit trees) in the four countries;
- 2.9. Provide support services in research and development;
- 2.10. Strengthen programs in food and agriculture technology transfer, training and extension to increase productivity and food safety;
- 2.11. Enhance cooperation in Sanitary and Phyto-Sanitary Standards (SPS).

Industrial Cooperation:

The objective is to promote ECS industrial cooperation in particular in industrial estate in strategic areas.

- 2.12. Capitalize on the existing GSP and MFN status to increase market access to industrialized countries by expanding industrial and agricultural facilities among the CLMT countries;
- 2.13. Promote co-production ventures in industrial estates in strategic areas;
- 2.14. Establish clustered networking and strategic alliances with the private sector to promote investment opportunities in order to promote import substitution and the growth of entrepreneurial skills;
- 2.15. Ensure sustainable energy supply by promoting joint development of petroleum resources in the overlapping areas and establishing partnership in developing hydropower;
- 2.16. Institute the implementation modalities for the realization of the sub-regional power transmission networks;
- 2.17. Share experiences and render assistance in developing legal framework for industrialization among the CLMT countries;
- 2.18. Provide maximum encouragement to the employment of labor in the CLMT countries in the production process;
- 2.19. Establish R&D and Skills Development Centers;
- 2.20. Develop a modern, dynamic, competitive and efficient SME sector by addressing priority areas of human resource development, information dissemination, access to technology and technology sharing, finance and marketing;
- 2.21. Establish national export financing/credit guarantee schemes for SMEs in strategic areas of cooperation;
- 2.22. Promote information networking between existing SME-related organizations in the CLMT countries and organize regular joint training programs and seminars for SMEs;
- 2.23. Enhance the development of geological and mineral resources through the exchange of information, publication and strengthening cooperation among the CLMT countries;
- 2.24. Enhance trade and industry technical infrastructure in laboratory testing, calibration, certification and accreditation;
- 2.25. Promote investment in supporting infrastructures through the development of 'economic corridors', 'inter-corridor linkages' and 'special economic zones';
- 2.26. Enhance incentive investment packages among CLMT countries, in strategic areas joint publications of investment and business information as well as databases and statistics;
- 2.27. Develop agro-processing industries.

3. Transport Linkages

The objective is to develop and utilize transport linkages among CLMT countries to facilitate trade, investment, agricultural and industrial production, and tourism.

3.1. Attach first priorities (immediate-to-short term status) of transport linkages to existing/ongoing transport projects, as well as projects with the highest potential of short term economic return; second priorities (medium-to-long term status) to other projects that are complimentary to the first priority projects;

3.2. Utilize existing routes and corridors in the CLMT countries by implementing existing ASEAN and Greater Mekong Subregion (GMS) Framework Agreements on Goods in Transit and Cross-border Transport and Implementing Protocols Annexes to facilitate the movement of goods and people in transit;

3.3. Promote technical cooperation in areas related to transport linkages;

3.4. Promote possible public-private partnerships in transport linkage delivery system.

4. Tourism Cooperation

The objective is to promote joint strategy for tourism cooperation among the CLMT countries in order to facilitate travels of people from outside and within the region.

4.1. Conduct joint promotion and marketing of the sub-region and convene top-level tourism marketing missions to promote the CLMT countries;

4.2. Jointly promote existing and explore new forms of tourism development, in which the natural and cultural resources are preserved;

4.3. Cooperate to enhance tourism safety and security;

4.4. Develop a joint CLMT tourism website/ information database;

4.5. Establish a network of tourism training centers and develop trainers and training materials for employment across the CLMT;

4.6. Upgrade international border checkpoints to promote cross-border facilitation and ease travel into and within the CLMT countries;

4.7. Cooperate and promote air linkages among the CLMT countries.

5. Human Resource Development

The CLMT countries will cooperate to increase capacity of their peoples and institutions to prepare them for global competitiveness through the following activities:

5.1. Identify each country's needs and expertise to mutually promote and implement capacity building and HRD in the strategic areas of ECS and related sectors;

5.2. Intensify and strengthen existing institutional linkages and university networks;

5.3. Develop ECS integrated HRD strategy;

5.4. Promote and strengthen effective technical cooperation in HRD, R&D, infrastructure development, SME and supporting industry development, information and industrial technology development;

5.5. Identify and seek cooperation from other countries and international organizations for ECS activities.

Conclusion

In order to facilitate implementation of the Plan of Action, as a part of the Bagan Declaration, the four countries shall carry out projects in the order of priority set out in the annexes of the Plan of Action.

The progress of implementation shall be reviewed biennially.

Annex 1

Common CLMT Projects, Programs and Cooperation Arrangements

"Common projects" are those undertaken by at least three countries with the consensus of all CLMT countries.

1. Trade and Investment Facilitation

1.1. Expansion of the coverage of AISP offered by Thailand.

1.2. Joint campaigns in areas of trade fair promotion among the CLMT countries.

- 1.3. Trade mission arrangement.
- 1.4. Establishment of ECS Business council.
- 1.5. Conduct a feasibility study on the establishment of wholesale and export markets at the border areas.
- 1.6. Establishment of one stop service on trade and tourism in CLMT countries at the border areas.
- 1.7. Arrangement for public-private sector meeting.
- 1.8. Encouragement of increased use of local currencies for border trade transaction.
- 1.9. Implementation of account trade system.
- 1.10. Facilitation of transit shipment of goods to the third countries.
- 1.11. Setting up single stop inspection at major border areas.
- 1.12. Establishment of contact points to facilitate exchange of trade information.
- 1.13. Promotion of export oriented investment opportunities to enhance investment.

2. Agricultural and Industrial Cooperation

2.a. Agricultural Cooperation

- 2.a.1. Conduct a feasibility study on cooperation in agriculture, particularly cash crops such as soybean, maize, coffee, beans, and livestock.
- 2.a.2. Contract farming in Agricultural Products.
- 2.a.3 Feasibility study and establishment of National Accreditation boards including the creation of Verification Centers.
- 2.a.4 Cooperation between the Standards Body of the CLMT countries.

2.b. Industrial Promotion

- 2.b.1. Promotion of Energy collaboration.
- 2.b.2 Conduct competitiveness study of various sectors for joint SME development and promotion.
- 2.b.3. Establishment of a mechanism to facilitate the transfer of standardized production technology.
- 2.b.4. Facilitation of subcontracting in manufacturing sector.
- 2.b.5. Establishment of a common fund for SME promotion and development especially in joint venture projects.
- 2.b.6. Establishment of national food packaging centers.
- 2.b.7. Establishment of a network of national Information and Consultation Centers in CLMT.

3. Transport Linkages

3.a. Air Linkages

- 3.a.1. Conduct a feasibility study on, among others, upgrading of the existing airports of the CLMT countries.
- 3.a.2 Encouragement of air linkages between existing airports in major cities and smaller towns in CLMT to strengthen air linkage for expansion of tourism cooperation.

3.b. Road Linkages

- 3.b.1. Feasibility study of additional routes and corridors that will encourage economic activities among CLMT countries and nearby economies such as China, India and Vietnam.
- 3.b.2 Provision of training programs in Thailand on such topics as road planning, design, construction, maintenance and management.

4. Tourism Cooperation

- 4.1 Implementation of "Four countries one destination" concept such as establishment of a website to distribute tourism information.
- 4.2 Tourism training through technical cooperation in the areas of tourism, marketing, IT, tourism management, and hotel management.
- 4.3 Identification and feasibility study on tourism attraction.
- 4.4 Facilitation of travel, such as visa on arrival, entry permit at the border entry points.

- 4.5 Joint marketing campaign of safety and security of tourism in CLMT.
- 4.6 Establishment of a joint working committee on tourism cooperation comprising public and private sector at national and local levels) of CLMT countries.
- 4.7 Pursue feasibility studies of clusters of common tour packages both in the categories of eco - tourism and cultural/historical tourism such as: Bagan – Sukhothai – Siem Reap - Champasak;
- 4.8 Arrangement of cross-border overland tours, caravan tours, cross country tours and bicycle tours.
- 4.9 Promotion of protected areas and wildlife protection along the border areas of CLMT countries in order to promote eco-tourism.
- 4.10 Feasibility study on air linkages.
- 4.11 Introduction of regular charters and charter flights.
- 4.12 Review of existing Aviation Agreement and other related regulations.
- 4.13 Opening of potential border entries.

5. Human Resource Development

- 5.1. Training courses in Thailand on topics related to five strategic areas of ECS cooperation for CLMT countries.
- 5.2 Provision of 100 scholarships for general education in schools and universities in Thailand.
- 5.3 Offering training programs for journalists and government officials aimed at the understanding of systems (economic, social, and political) in CLMT.
- 5.4 Conduct researches on economies of CLMT.
- 5.5 Conduct a joint research on ECS tourism areas and activities to promote practical programs of cooperation.

Annex 2

Cambodia - Lao PDR Bilateral Projects (CL)

Sister Cities

- CL.1. Siem Reap (C) – Pakse (L)
- CL.2. Stung Treng (C) – Champasak (L)
- CL.3. Preah Vihear (C) – Champasak (L)

Group 1: Trade and Investment Cooperation

- CL.4. Feasibility study on trade facilitation on border area between Champasak and Stung Treng
- CL.5. Improvement of border checkpoints at Champasak (Voeun Kham) - Stung Treng (Dong Kralor) and Champasak - Preah Vihear (To be determined)
- CL.6. Strengthening and promoting border trade between Lao PDR and Cambodia

Group 2: Agriculture and Industrial Cooperation

Agricultural Cooperation

- CL.7. Technical cooperation on crop production, forestry, livestock and fisheries (Long term)
- CL.8. Strengthening cooperation in Sanitary and Phyto-Sanitary Standards (SPS) regulations and standardization
- CL.9. Cooperation in the development of protected areas and wildlife sanctuaries in the border areas

Industrial Cooperation

- CL.10. Sharing of information and establishing the network of SMEs/SMIs
- CL.11. Promotion of contract farming and agro-industries in the border areas
- CL.12. Encouraging power trade between Cambodia and Lao PDR
- CL.13. Exchange of experience on industrial estate development

Group 3: Transport Linkages and Cooperation

- CL.14. Establishing road connections (Stung Treng to Champasak and Preah Vihear to Champasak)

CL.15. Improving air linkages between existing airports between the two countries
(Vientiane – Pakse - Siem Reap - Phnom Penh)

Group 4: Tourism Cooperation

CL.16. Establishing tourist information center (Siem Reap - Pakse)
CL.17. Studying joint tour package (Siem Reap - Preah Vihear - Champasak)
CL.18. Improving border checkpoints (Champasak - Stung Treng)
CL.19. Study on a joint promotion of eco-tourism in the border areas

Group 5: Human Resource Development

CL.20. Sharing of information on training activities
CL.21. Organizing joint workshops on development experience

Annex 3

Cambodia – Myanmar Bilateral Projects (CM)

Proposed Sister Cities

CM.1 Siem Reap (C) – Bagan (M)

Group 1: Trade and Investment Cooperation

CM.2 Establish Contact Points to facilitate the exchange of trade information
(Cambodia Ministry of Commerce and Myanmar Ministry of Commerce).
CM.3 (Cambodia proposes to delete)
CM.4 Arrange frequent visits between public and private sectors of both sides.

Group 2: Agriculture and Industrial Cooperation

Agricultural Cooperation

CM.5 Exchange of plant germplasm for field crops, industrial crops, vegetable, fruits and perennial crops.
CM.6 Exchange of information on plant genetic resources and crop production technologies.
CM.7 Strengthening of sanitary and phyto-sanitary regulation/ standardization and capacity.
CM.8 Technical cooperation on crops production.

Industrial Cooperation

CM.9 Exchange of information on industrial sector, energy and mining.

Group 3: Transport Linkages and Cooperation

CM.10 Feasibility study on air linkages between Siem Reap and Bagan.
CM.11 Cooperation on Mekong River transport.
CM.12 Development of road linkages under Asian Highway projects.

Group 4: Tourism Cooperation

Short-term

CM.13 Development of Action Plan for the Agreement on Tourism Cooperation.
CM.14 Relaxation of entry formalities between the two countries.
CM.15 Feasibility study on joint - tour packages between Phnom Penh - Siem Reap – Yangon – Bagan – Mandalay.
CM.16 Joint promotion of cultural/ historical sites between Cambodia and Myanmar.
CM.17 Exchange of information and training activity.
CM.18 Development of air linkages between Myanmar and Cambodia.

Long-term

CM.19 Feasibility study of historical sites of Angkor Wat and Bagan.

CM.20 Development of nature-based tourism between the two countries.

CM.21 Long-term cooperation in human resource development program and exchange of information.

CM.22 Development of air linkages not only between Bagan and Siem Reap but also among potential destinations of both countries.

Group 5: Human Resource Development

CM.23 (Cambodia proposes to delete)

CM.24 Sharing of information on training activities.

CM.25 Academic exchange/ linkage between universities of Cambodia and Myanmar.

Annex 4**Bilateral Projects between Cambodia and Thailand****Showcase, Immediate and Short-Term Projects, Programs and Cooperation Arrangements (2003-2005):****Group 1: Trade and Investment Cooperation**

CT.1. Feasibility study on the establishment of wholesale and export markets.

CT.2. Investment and trade mission program.

CT.3. Joint trade fair

CT.4. Draft agreement on border trade

CT.5. Draft agreement on transit of goods

CT.6. Sister cities programs

- a. Siem Reap – Sisaket
- b. Oddar Meanchey - Surin
- c. Banteay Meanchey – Sa-Kaew
- d. Pailin - Chanthaburi
- e. Koh Kong - Trat

CT.7. Improvement of international points of entry:

- a. Chong Sa-Ngam – Choam Pass connecting Khun Han (Sisaket) and Choam Pass, Anlong Veng (Oddar Meanchey)
- b. Chong Chom – O Smach Pass connecting Kap Choeng (Surin) and Samrong (Oddar Meanchey)
- c. Poipet (O' Chrov-Banteay Meanchey)-Aranyaprathet (Sa-Kaew)
- d. Daung (Kamrieng-Battambang)-Ban Laem (Chanthaburi)
- e. Pailin (Pailin City)-Ban Pakkard (Chanthaburi)
- f. Cham Yeam (Mondol Seima-Koh Kong)-Ban Hat Lek (Khlong Yai-Trat)

CT.8. One-stop service arrangement at Thai-Cambodian border

CT.9. Feasibility study on the introduction of account trade

CT.10. Establishment of a Cambodia-Thai ECS business council

CT.11. Feasibility Study on poverty alleviation in the border areas.

Group 2: Agriculture and Industrial Cooperation

CT.12. Koh Kong Industrial Estate

CT.13. Technology transfer in field crops (maize, castor beans, sesame, soya bean, cassava, sugarcane, coffee, cashew nut) production improvement

CT.14. Study of environmental impact from inland fishery promotion

CT.15. Feasibility study for contract farming of tropical fruits

CT.16. Development study of Stung Menam hydro power project

CT.17. Study for identification of suitable sites for eucalyptus farming;

CT.18. Feasibility study on post harvest in fisheries of catch and culture

CT.19. In house training in sanitary and phyto-sanitary measures

CT.20. Target area for agriculture cultivation at the border areas in Koh Kong, Pursat, Kampot, Battambang for joint investment in cash crops (soybean, sesame, maize, castor bean, potato)

CT.21. Feasibility study for the establishment of electricity network in Cambodia

CT.22. Installation of thermal power plants in Kampong Som and Pursat

CT.23. Exploration of mineral resources in Cambodia

CT.24. Shallow seismic survey of Tonle Sap and Lower Mekong River

Group 3: Transport Linkages and Cooperation

CT.25. Inter-corridor linkage upgrading programs

a. Cambodia provincial road 48, Koh Kong to National Route 4

b. Cambodia provincial road 67 from Siem Reap to Anlong Veng to Thai border

Group 4: Tourism Cooperation

CT.26. Cambodia-Thailand tourism and marketing promotion

CT.27. Development of linkage between tourism sites in Cambodia and Thailand

CT.28. Study of land use master plan in Koh Kong

CT.29. Facilitation of travel, including the introduction of border pass

CT.30. Survey of potential tourist attractions along Koh Kong coast lines

Group 5: Human Resource Development

Cambodia will discuss with Thailand on human resource development programs to support the various projects outlined above.

Medium to Long-Term Cambodia-Thailand (CT) Projects, Programs and Cooperation Arrangements (2006-2008)

Group 1: Trade and Investment Cooperation

CT.33. Feasibility study on Poi Pet Industrial Estate

CT.34. Feasibility study on Pailin industrial Estate

CT.35. Feasibility study on reservoir at Poipet

CT.36. Feasibility study on trade distribution center in Sisophon Town

CT.37. Sister City Programs:

a. Preah Vihear - Ubon Ratchathani

b. Battambang-Chantaburi

c. Pursat-Trat

d. Oddar Meanchey - Buriram

CT.38. Feasibility study of SBEZ new towns (Poipet-Aranyaprathet, Koh Kong-Klong Yai, Pailin-Ban Pakkard and Kamrieng-Ban Laem;

CT.39. Improvement of cross-border checkpoints

a. Chong Bok Pass connecting Na Chaluai (Ubon Ratchathani) and Choam Khsan (Preah Vihear)

b. Chong An Mah Pass connecting Nam Yun (Ubon Ratchathani) and Choam Khsan (Preah Vihear)

c. Ta Praya (Sa-Kaew) –Boeung Trakuon (Thmor Pouk-Banteay Meanchey)

d. Ban Mamuang (Bo Rai-Trat) –Choak Roka (Samlot-Battambang)

e. Ban Chamrak (Muang, Trat)-Phluk Damrey (Veal Veng-Pursat)

CT.40. Siem Reap International Conference Center Project

CT.41. Sisophon, Siem Reap, Battambang Urban Growth Triangle Feasibility Study

Group 2: Agriculture and Industrial Cooperation

- CT.42. Study of environmental impact from coastal fishery promotion
- CT.43. Joint venture of marine fishery
- CT.44. Feasibility study of rice production and processing development
- CT.45. International Marine Park Management Study
- CT.46. Master Plan for Koh Kong Protected Area
- CT.47. Study and Master Plan for Management of Wildlife Sanctuaries
- CT.48. Study and Master Plan for Management of Mangroves, Seagrass Beds and Coral Reefs Eco-System of Koh Kong
- CT.49. Feasibility study of exploitation of petroleum resource in the area of overlapping maritime claims to the continental shelf
- CT.50. Feasibility study and construction of water supply in Pailin
- CT.51. Feasibility study and construction of water supply in Preah Vihear
- CT.52. Evaluation of limestone resources in Battambang and Banteay Meanchey
- CT.53. Study of Promotion of Para Rubber-based industry
- CT.54. Ayuthaya – Sakeao - Poipet Gas Pipeline Feasibility Study
- CT.55. Maptaphut – Chanthaburi – Trat - Koh Kong Gas Pipeline Feasibility Study

Group 3: Transport linkage Cooperation

- CT.56. Cambodia's Provincial Road 68 from Thai border to Samrong and Kralanh
- CT.57. Feasibility study of telecommunications network development;

Group 4: Tourism Cooperation

- CT.58. Historical Trail of Angkor Wat and Phimai
- CT.59. Crystal Coast of South China Sea Tour from Bangkok
- CT.60. Crystal Coast of South China Sea Tour from Phnom Penh
- CT.61. Identification of potential additional historical sites in Cambodia
- CT.62. Feasibility study of improvement of Koh Kong airport
- CT.63. Development of Koh Kong eco-tourism
- CT.64. Sapphire - Ruby Trail of Chanthaburi and Pailin

Group 5: Human Resources Development Cooperation

- CT.65. Transfer of technology and technical know-how of industry

Annex 5**Lao PDR – Myanmar Bilateral Projects (LM)****Sister Cities**

- LM.1. Luang Prabang (L) – Mandalay (M) (to be confirmed)
- LM.2. Tonpheung (L) - Wan Pung (M) (to be confirmed)

Group 1: Trade and Investment Cooperation

- LM.3. To encourage the promotion of border trade and increased use of Myanmar-Laos currencies for border trade transactions.
- LM.4. Facilitate transit shipment of goods to third country.
- LM.5. Establish contact points to facilitate the exchange of trade information (Myanmar's Ministry of Commerce and Laos' Foreign Trade Department – to be confirmed).
- LM.6. To conduct/ participate trade exhibitions.

LM.7. To conduct market festival at the border area of the two countries.

LM.8. To start the operation of border trade at the Won Kyin - Xieng Kok and

Won Pon – Mouang Mom border check points.

LM.9. Arrange frequent visits between public and private sectors of both sides.

Group 2: Agricultural and Industrial Cooperation

Agricultural Cooperation

LM.10. Exchange of plant germplasm for food and industrial crops.

LM.11. Exchange of information on plant genetic resources and crop production technologies.

LM.12. Strengthening of sanitary and phyto-sanitary regulation/ standardization and capacity.

LM.13. Study on demand and supply of key agricultural products.

LM.14. Strengthen technical cooperation on seeds production, forestry and fishery at Tonpheung Agricultural Centre between Laos and Myanmar

Industrial Cooperation

LM.15. To encourage the cooperation between Laos and Myanmar in the field of industry and mining.

Group 3: Transport Linkages and Cooperation

LM.16. To conduct the feasibility study for the construction and find the source of funding for the Laos-Myanmar Friendship Bridge over the Mekong River.

LM.17. To revitalize air linkage between Yangon and Vientiane and encourage the possible air linkage between Mandalay and Luang Prabang.

Group 4: Tourism Cooperation

Short-term

LM.18. Feasibility study of Joint Marketing and Promotion to be known as a single destination based on culture, history, religion, festivals and ecotourism.

LM.19. Revitalization of air linkage between Yangon and Vientiane.

LM.20. Upgrading of border check points.

LM.21. Relaxation of entry formalities.

LM.22. Encourage the participation of private sector in promoting tourism between the two countries.

LM.23. Feasibility study of the joint tourism promotion among Laos, Myanmar and Thailand in the Golden Triangle area.

Long-term

LM.24. Feasibility study of ecotourism development of both countries.

LM.25. Improvement of land and waterway transportation.

LM.26. Strengthening of long-term relationship in the human resource development and exchange of information.

LM.27. Planning for construction of a friendship bridge in border area.

Group 5: Human Resource Development

HRD is incorporated in the above four areas of cooperation.

Annex 6

Bilateral Projects between Lao PDR – Thailand

Proposed Sister-Cities

LT.1. Savannakhet – Mukdahan (Short term)

LT.2. Ton Pheung – Chiang Saen

LT.3. Houay Sai – Chiang Khong

LT.4. Thakhek – Nakhon Phanom

LT.5. Pakse – Ubon Ratchatani

LT.6. Muang Nguen – Houay Kon (to be considered)

LT.7. Vientiane – Nong Khai

Group 1: Trade and Investment Cooperation

LT.8. Promotion of trade and investment to the existing Special Economic Zones (Savan - Seno) or industrial estates and border trade zones

LT.9. Expansion of coverage under GSP and AISP offered by Thailand

LT.10. Reviews of rules and regulation to facilitate 2-way trade

LT.11. Exchange of investment mission between DDFI and BOI

LT.12. Intensifying exchange of trade and investment fairs in public and private sectors

LT.13. Cooperation between Thai-Laos Customs Department

LT.14. Facilitation of cross-border transport of goods and transit of goods to/from the third country

LT.15. Assistance on the production of goods in Laos and market access

LT.16. Study on economic structure in the future in labor intensive sectors such as agriculture

LT.17. Establishment of ECS Business Council (to be considered)

LT.18. Feasibility Study for the establishment of wholesale markets and distribution centers in Lao PDR and border areas

LT.19. Establishment of one-stop-service centers at the border checkpoints

LT.20. Feasibility study on the implementation of barter trade and account trade system

Group 2: Agricultural and Industrial Cooperation

Agricultural Cooperation

LT.21. Contract farming for field crops production: soybean, corn, peanut, cashew nut, castor bean, potato and livestock.

LT.22. Establishment of storage for agricultural products in Lao PDR

LT.23. Strengthening of sanitary and phyto-sanitary regulation/ standardization and capacity.

Industrial Cooperation

LT.24. Feasibility study on the establishment of industrial estate in Savan-Seno in Lao PDR

LT.25. Feasibility study for the establishment of the center for commodity processing and distribution in Mukdahan

LT.26. Promotion of SMEs/SMIs cooperation

LT.27. Continue to cooperate in energy sector, especially in hydro power.

Group 3: Transport Linkages and Cooperation

LT.28. Chiang Khong – Houay Sai – Luang Nam Tha – Boten Route

LT.29. Huaikon – Pak Beng Route and extension to Hongsa - Luang Prabang Route

LT.30. Bridge over Mekong River connecting Mukdahan and Savannakhet

LT.31. Nong Khai – Tha Na Lang Railway Project

LT.32. Bridge over the Huang River

LT.33. Improve and upgrade border checkpoints to the transit checkpoint for goods and passengers and facilities at Chiang Khong – Houay Sai and Vang Tao – Chong Mek

LT.34. Feasibility study on the construction of Mekong bridge at Houay Sai – Chiang Khong

LT.35. Increase border checkpoints at Chiang Saen, Xieng kok and Tonpheung (Thai request)

Group 4: Tourism Cooperation

LT.36. Feasibility study of joint tourism route between Ubon Ratchathani - Pakse

LT.37. Exploring of feasibility study on eco-tourism along border Lao-Thai in southern part of Laos

LT.38. Caravan tour and bicycle tours

LT.39. Organize FAM TRIP for medias and tour operators from the third country

LT.40. Thailand proposes to waive cross-border fee for Laos citizen entering Thailand at Thai border checkpoints

LT.41. Feasibility study on the introduction of joint smart card for temporary entry

LT.42. Review of the extent of access via temporary border pass

LT.43. Feasibility study of the introduction of joint visa, including visa fees

Group 5: Human Resource Development

LT.44. Technical assistance and training on farm product cultivation, including development of plant protection system, training on crop production and processing, training on creating activities of One Village One Product on crops

LT.45. Organize workshop and training courses including field visits of OTOP of Thailand to Laos authorities dealing with OVOP

LT.46. Post-graduated scholarship on industrial, handicraft and mining sector to Lao students

LT.47. Technical assistance in the study of appropriate regulatory and management framework for Savan - Seno Industrial estate

LT.48. Research for potential projects in Savan-Seno Industrial estate

LT.49. Scholarship to Laotian students in Savannakhet on vocational education in Mukdahan

LT.50. Scholarship and training courses related to the 5 areas of ECS cooperation

Annex 7

Bilateral Projects between Myanmar and Thailand

Showcase, Immediate and Short Term Projects, Programs and Cooperation Arrangements (2003 - 2005)

Proposed Sister Cities

MT.1. Myawaddy – Mae Sot

MT.2. Tachilek – Mae Sai

MT.3. Koh Song – Ranong

MT.4. Phaya Thone Zu – Three Pagodas

MT.5. Dawei – Kanchanaburi

MT.6. Bokpyin – Bang Sapan

MT.7. Myeik – Phuket

MT.8. Kyaing Tong – Chiang Rai

MT.9. Mandalay – Chiang Mai

MT.10. Yangon – Bangkok

Group 1: Trade and Investment Cooperation

MT.11. Encouragement of increased use of Myanmar-Thai currencies for border trade.

MT.12. Implementation of account trade.

MT.13. Facilitation of transit shipment of goods to third country.

MT.14. Expansion of the products under AISP.

MT.15. Facilitation the exchange of trade information.

MT.16. Promotion of Thai investment in Myanmar.

MT.17. Promotion of export oriented investment opportunities.

MT.18. Promotion of joint trade fairs and trade missions.

MT.19. Feasibility study for the establishment of wholesale markets and distribution centers at border areas.

MT.20. Establishment of Myanmar-Thai ECS Business Council.

MT.21. One stop service center in tourism and trade in Myanmar at the border areas.

Group 2: Agricultural and Industrial Cooperation

Agricultural Cooperation

MT.22. Promotion of contract farming of potential cash crops (i.e., corn, soybean, maize, castor bean, fruits and vegetables) and livestock in Myawaddy and Tachilek.

MT.23. Collaborative research on varietal improvement, production and processing technology for potential food crops and industrial crops.

MT.24. Strengthening and standardization of sanitary and phytosanitary for food crops and livestock

MT.25. Exploration of market opportunities for key agricultural products.

MT.26. Feasibility study on the production of food crops and value added products.

MT.27. Exchange of plant germplasm of food and industrial crops.

MT.28. Joint venture for production of hybrid seeds of corn, vegetables and flowers.

MT.29. Technical assistance and training courses on field crops such as soybean, castor bean, maize, potato and cashew nut.

MT.30. Two-way technical assistance and training on forestry.

Industrial Cooperation

MT.31. Feasibility study on the establishment of agro-based industries in border areas.

MT.32. Feasibility study of Special Border Economic Zone in Myawaddy - Mae Sot.

MT.33. Feasibility study on the establishment of industrial estate in Mawlamyine and Pa-an.

MT.34. Negotiation of Agreement on the Promotion and Protection of Investment.

MT.35. Development of hydropower project at Thanlwin River, and power generated from natural gas project via Mae-Sot – Myawaddy – Pa-an – Thaton –Yangon.

Group 3: Transport Linkages and Cooperation

Showcase, Immediate and Short-Term Projects, Programs and Cooperation Arrangements (2003-2005):

MT.36. Expedite construction of the 2nd Friendship Bridge (Tachilek – Mae Sai).

MT.37. Expedite road construction from Mae Sot – Myawaddy – Pa-an – Thaton.

MT.38. Development of Myawaddy – Kawkaik – Mudon – Mawlamyine.

MT.38. Training course on road planning, design, construction, maintenance and management.

MT.39. Training course on road planning, design, construction, maintenance and management.

Medium to Long-Term Myanmar-Thailand (CT) Projects, Programs and Cooperation Arrangements (2003-2012)

MT.40. Development of Phaya Thone Zu – Thanbyuzayat – Mawlamyine Road.

Group 4: Tourism Cooperation

Showcase, Immediate and Short-Term Projects, Programs and Cooperation Arrangements (2003-2005):

MT.41. Organizing of friendship caravan tours and cross country tours.

MT.42. Implementation of Two Countries – One Destination Joint Tours.

MT.43. Relaxation of entry formalities and regulations.

MT.44. Development of air linkages between Yangon – Bangkok and Mandalay – Chiang Mai.

MT.45. Kawthaung and Phuket as Sister Cities for tourism development.

MT.46. Implementation of Agreement on Tourism Cooperation between Thailand and Myanmar signed on 24th July 1998.

MT.47. Participation of Myanmar's tour operators in various tourism promotion in Thailand.

MT.48. Cooperation in promotional materials distribution.

MT.49. Opening of potential border points of entry.

MT.50. Feasibility study on on-land route tourism along the GMS' East-West Economic Corridor.

Medium to Long-Term Myanmar-Thailand (CT) Projects, Programs and Cooperation Arrangements (2003-2012)

MT.51. Feasibility study of combined destination programs in Andaman and Myeik Archipelago.

MT.52. Joint promotion of potential tourist sites of both nations.

MT.53. Transfer of information technology for tourism industry.

MT.54. Exchange of information for long-term tourism relationship.

MT.55. Development of Asian Highway road linkages.

MT.56. Feasibility study of marine tourism development in the region

Group 5: Human Resource Development

MT.57. Provision of the following training courses

- a. Export promotion strategy
- b. Rules and regulations of imports and exports
- c. Basic training on account trade practice
- d. Financial services and management
- e. Trade and investment policy
- f. Rules and regulations of trade and investment
- g. GSP and international trade practice
- h. WTO agreement implementation
- i. Promotion of SME enterprises
- j. Competition policy and economic development
- k. Arrangement & management of trade exhibition
- l. Management of electronic commerce
- m. Special program for post-graduate study in international trade, marketing, business administration, information technology, economic and finance
- n. Management of agricultural sustainable development
- o. Field crops development
- p. Post harvest rice processing
- q. Parboiling process technology
- r. Electric power generating technology from Husk
- s. Grain storage and handling technology
- t. Rubber roll and abrasive roll production technology
- u. Bran oil extraction and refining and bran stabilizing
- v. Livestock management
- w. Reservation and conservation of living species
- x. Forestry management
- y. Risk assessment in environmental aspect
- z. Planning and development for electrical power system
- aa. Maintenance and management of electrical power house
- bb. Vocational training for industrial laborers
- cc. Feasibility studies on construction & maintenance projects (conducted in various aspects: economic, engineering and environmental)
- dd. Cross-border traffic systematic management
- ee. Management and maintenance of roads and bridges
- ff. Ecological tourism
- gg. Reservation and conservation of tourism resources
- hh. Hotel/accommodation management
- ii. Tourist Police
- jj. Tourism service providers

MT.58. Projects

- a. Trade Point/ Trade Net (Short Term)
- b. Trade Information Services (Immediate Term)
- c. Electric Power Generating from Husk
- d. Rice Bran Oil Mill Project

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CHAPTER 15 - ENHANCED BORDER SECURITY AND VISA ENTRY REFORM

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Sec.

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SUBCHAPTER I - FUNDING

- 1711. Authorization of appropriations for hiring and training Government personnel.
 - (a) Additional personnel.
 - (b) Authorization of appropriations for INS staffing.
 - (c) Authorization of appropriations for training.
 - (d) Authorization of appropriations for consular functions.
- 1712. Authorization of appropriations for improvements in technology and infrastructure.
 - (a) Funding of technology.
 - (b) Improvement and expansion of INS, State Department, and customs facilities.
- 1713. Machine-readable visa fees.
 - (a) Omitted.
 - (b) Fee amount.
 - (c) Surcharge.
 - (d) Availability of collected fees.

SUBCHAPTER II - INTERAGENCY INFORMATION SHARING

- 1721. Interim measures for access to and coordination of law enforcement and other information.
 - (a) Interim directive.
 - (b) Report identifying law enforcement and intelligence information.
 - (c) Coordination plan.
- 1722. Interoperable law enforcement and intelligence data system with name-matching capacity and training.
 - (a) Interoperable law enforcement and intelligence electronic data system.
 - (b) Name-search capacity and support.
- 1723. Commission on Interoperable Data Sharing.
 - (a) Establishment.
 - (b) Composition.
 - (c) Considerations.
 - (d) Authorization of appropriations.
- 1724. Personnel management authorities for positions involved in the development and implementation of the interoperable electronic data system ("Chimera system").
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 - (a) Development of system.
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- 1732. Machine-readable, tamper-resistant entry and exit documents.
 - (a) Report.
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 - (c) Technology standard for visa waiver participants.
 - (d) Authorization of appropriations.
- 1733. Terrorist lookout committees.
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 - (b) Purpose.
 - (c) Composition; chair.
 - (d) Meetings.
 - (e) Periodic reports to the Secretary of State.
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Sec. 1701. Definitions

TITLE 8, CHAPTER 15, Sec. 1701.

STATUTE

In this chapter:

- (1) Alien
The term "alien" has the meaning given the term in section [1101\(a\)\(3\)](#) of this title.
- (2) Appropriate committees of Congress
The term "appropriate committees of Congress" means the following:
 - (A) The Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate.
 - (B) The Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on International Relations of the House of Representatives.
- (3) Chimera system
The term "Chimera system" means the interoperable electronic data system required to be developed and implemented by section [1722\(a\)\(2\)](#) of this title.
- (4) Federal law enforcement agencies
The term "Federal law enforcement agencies" means the following:
 - (A) The United States Secret Service.
 - (B) The Drug Enforcement Administration.
 - (C) The Federal Bureau of Investigation.
 - (D) The Immigration and Naturalization Service.
 - (E) The United States Marshall Service.
 - (F) The Naval Criminal Investigative Service.
 - (G) The Coastal Security Service.
 - (H) The Diplomatic Security Service.
 - (I) The United States Postal Inspection Service.
 - (J) The Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.
 - (K) The United States Customs Service.
 - (L) The National Park Service.
- (5) Intelligence community
The term "intelligence community" has the meaning given

that term in section 401a(4) of title 50.

(6) President

The term "President" means the President of the United States, acting through the Assistant to the President for Homeland Security, in coordination with the Secretary of State, the Commissioner of Immigration and Naturalization, the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of Transportation, the Commissioner of Customs, and the Secretary of the Treasury.

(7) USA PATRIOT Act

The term "USA PATRIOT Act" means the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107-56).

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SUBCHAPTER I - FUNDING

TITLE 8, CHAPTER 15, SUBCHAPTER I.

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Sec. 1711. Authorization of appropriations for hiring and training Government personnel

TITLE 8, CHAPTER 15, SUBCHAPTER I, Sec. 1711.

STATUTE

(a) Additional personnel

(1) INS inspectors

Subject to the availability of appropriations, during each of the fiscal years 2003 through 2006, the Attorney General shall increase the number of inspectors and associated support staff in the Immigration and Naturalization Service by the equivalent of at least 200 full-time employees over the number of inspectors and associated support staff in the Immigration and Naturalization Service authorized by the USA PATRIOT Act.

(2) INS investigative personnel

Subject to the availability of appropriations, during each of the fiscal years 2003 through 2006, the Attorney General shall increase the number of investigative and associated support staff of the Immigration and Naturalization Service by the equivalent of at least 200 full-time employees over the number of investigators and associated support staff in the Immigration and Naturalization Service authorized by the USA PATRIOT Act.

(3) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this subsection, including such sums as may be necessary to provide facilities, attorney personnel and support staff, and other resources needed to support the increased number of inspectors, investigative staff, and associated support staff.

(b) Authorization of appropriations for INS staffing

(1)¹ In general

There are authorized to be appropriated for the Department of Justice such sums as may be necessary to provide an increase in the annual rate of basic pay effective October 1, 2002 -

(A) for all journeyman Border Patrol agents and inspectors who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS-9 of the General Schedule under section 5332 of title 5

- from the annual rate of basic pay payable for positions at GS-9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS-11 of the General Schedule under such section 5332;
 - (B) for inspections assistants, from the annual rate of basic pay payable for positions at GS-5 of the General Schedule under section 5332 of title 5 to an annual rate of basic pay payable for positions at GS-7 of the General Schedule under such section 5332; and
 - (C) for the support staff associated with the personnel described in subparagraphs (A) and (B), at the appropriate GS level of the General Schedule under such section 5332.
- (c) Authorization of appropriations for training
- There are authorized to be appropriated such sums as may be necessary -
- (1) to appropriately train Immigration and Naturalization Service personnel on an ongoing basis -
 - (A) to ensure that their proficiency levels are acceptable to protect the borders of the United States; and
 - (B) otherwise to enforce and administer the laws within their jurisdiction;
 - (2) to provide adequate continuing cross-training to agencies staffing the United States border and ports of entry to effectively and correctly apply applicable United States laws;
 - (3) to fully train immigration officers to use the appropriate lookout databases and to monitor passenger traffic patterns; and
 - (4) to expand the Carrier Consultant Program described in section 1225a(b) of this title.²
- (d) Authorization of appropriations for consular functions
- (1) Responsibilities

The Secretary of State shall -

 - (A) implement enhanced security measures for the review of visa applicants;
 - (B) staff the facilities and programs associated with the activities described in subparagraph (A); and
 - (C) provide ongoing training for consular officers and diplomatic security agents.
 - (2) Authorization of appropriations

There are authorized to be appropriated for the Department of State such sums as may be necessary to carry out paragraph (1).

FOOTNOTES

1. So in original. No par. (2) has been enacted.

2. See References in Text note below.

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REFERENCES IN TEXT

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Sec. 1712. Authorization of appropriations for improvements in technology and infrastructure

TITLE 8, CHAPTER 15, SUBCHAPTER I, Sec. 1712.

STATUTE

- (a) Funding of technology
 - (1) Authorization of appropriations

In addition to funds otherwise available for such purpose, there are authorized to be appropriated \$150,000,000 to the Immigration and Naturalization Service for purposes of -

 - (A) making improvements in technology (including infrastructure support, computer security, and information technology development) for improving border security;
 - (B) expanding, utilizing, and improving technology to improve border security; and
 - (C) facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance.
 - (2) Waiver of fees

Federal agencies involved in border security may waive all or part of enrollment fees for technology-based programs to encourage participation by United States citizens and aliens in such programs. Any agency that waives any part of any such fee may establish its fees for other services at a level that will ensure the recovery from other users of the amounts waived.
 - (3) Offset of increases in fees

The Attorney General may, to the extent reasonable, increase land border fees for the issuance of arrival-departure documents to offset technology costs.
- (b) Improvement and expansion of INS, State Department, and customs facilities

There are authorized to be appropriated to the Immigration and Naturalization Service and the Department of State such sums as may be necessary to improve and expand facilities for use by the personnel of those agencies.

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Sec. 1713. Machine-readable visa fees

TITLE 8, CHAPTER 15, SUBCHAPTER I, Sec. 1713.

STATUTE

- (a) Omitted
- (b) Fee amount
The machine-readable visa fee charged by the Department of State shall be the higher of \$65 or the cost of the machine-readable visa service, as determined by the Secretary of State after conducting a study of the cost of such service.
- (c) Surcharge
The Department of State is authorized to charge a surcharge of \$10, in addition to the machine-readable visa fee, for issuing a machine-readable visa in a nonmachine-readable passport.
- (d) Availability of collected fees
Notwithstanding any other provision of law, amounts collected as fees described in this section shall be credited as an offsetting collection to any appropriation for the Department of State to recover costs of providing consular services. Amounts so credited shall be available, until expended, for the same purposes as the appropriation to which credited.

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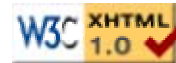


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SUBCHAPTER II - INTERAGENCY INFORMATION SHARING

TITLE 8, CHAPTER 15, SUBCHAPTER II.

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Sec. 1721. Interim measures for access to and coordination of law enforcement and other information

TITLE 8, CHAPTER 15, SUBCHAPTER II, Sec. 1721.

STATUTE

- (a) Interim directive

Until the plan required by subsection (c) of this section is implemented, Federal law enforcement agencies and the intelligence community shall, to the maximum extent practicable, share any information with the Department of State and the Immigration and Naturalization Service relevant to the admissibility and deportability of aliens, consistent with the plan described in subsection (c) of this section.
- (b) Report identifying law enforcement and intelligence information
 - (1) In general

Not later than 120 days after May 14, 2002, the President shall submit to the appropriate committees of Congress a report identifying Federal law enforcement and the intelligence community information needed by the Department of State to screen visa applicants, or by the Immigration and Naturalization Service to screen applicants for admission to the United States, and to identify those aliens inadmissible or deportable under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.].
 - (2) Omitted
- (c) Coordination plan
 - (1) Requirement for plan

Not later than one year after October 26, 2001, the President shall develop and implement a plan based on the findings of the report under subsection (b) of this section that requires Federal law enforcement agencies and the intelligence community to provide to the Department of State and the Immigration and Naturalization Service all information identified in that report as expeditiously as practicable.
 - (2) Consultation requirement

In the preparation and implementation of the plan under this subsection, the President shall consult with the appropriate committees of Congress.
 - (3) Protections regarding information and uses thereof

The plan under this subsection shall establish conditions for using the information described in subsection (b) of this section received by the Department of State and Immigration and Naturalization Service -

- (A) to limit the redissemination of such information;
 - (B) to ensure that such information is used solely to determine whether to issue a visa to an alien or to determine the admissibility or deportability of an alien to the United States, except as otherwise authorized under Federal law;
 - (C) to ensure the accuracy, security, and confidentiality of such information;
 - (D) to protect any privacy rights of individuals who are subjects of such information;
 - (E) to provide data integrity through the timely removal and destruction of obsolete or erroneous names and information; and
 - (F) in a manner that protects the sources and methods used to acquire intelligence information as required by section 403-3(c)(7) of title 50.
- (4) Criminal penalties for misuse of information
Any person who obtains information under this subsection without authorization or exceeding authorized access (as defined in section 1030(e) of title 18), and who uses such information in the manner described in any of the paragraphs (1) through (7) of section 1030(a) of such title, or attempts to use such information in such manner, shall be subject to the same penalties as are applicable under section 1030(c) of such title for violation of that paragraph.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections [1722](#), [1723](#) of this title.

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Sec. 1722. Interoperable law enforcement and intelligence data system with name-matching capacity and training

TITLE 8, CHAPTER 15, SUBCHAPTER II, Sec. 1722.

STATUTE

(a) Interoperable law enforcement and intelligence electronic data

system

(1) Requirement for integrated immigration and naturalization data system

The Immigration and Naturalization Service shall fully integrate all databases and data systems maintained by the Service that process or contain information on aliens. The fully integrated data system shall be an interoperable component of the electronic data system described in paragraph (2).

(2) Requirement for interoperable data system

Upon the date of commencement of implementation of the plan required by section [1721\(c\)](#) of this title, the President shall develop and implement an interoperable electronic data system to provide current and immediate access to information in databases of Federal law enforcement agencies and the intelligence community that is relevant to determine whether to issue a visa or to determine the admissibility or deportability of an alien (also known as the "Chimera system").

(3) Consultation requirement

In the development and implementation of the data system under this subsection, the President shall consult with the Director of the National Institute of Standards and Technology (NIST) and any such other agency as may be deemed appropriate.

(4) Technology standard

(A) In general

The data system developed and implemented under this subsection, and the databases referred to in paragraph (2), shall utilize the technology standard established pursuant to section [1379](#) of this title.

(B) Omitted

(5) Access to information in data system

Subject to paragraph (6), information in the data system under this subsection shall be readily and easily accessible -

- (A) to any consular officer responsible for the issuance of visas;
- (B) to any Federal official responsible for determining an alien's admissibility to or deportability from the United States; and
- (C) to any Federal law enforcement or intelligence officer determined by regulation to be responsible for the investigation or identification of aliens.

(6) Limitation on access

The President shall, in accordance with applicable Federal laws, establish procedures to restrict access to intelligence information in the data system under this subsection, and the databases referred to in paragraph (2), under circumstances in which such information is not to be disclosed directly to Government officials under paragraph (5).

(b) Name-search capacity and support

(1) In general

The interoperable electronic data system required by subsection (a) of this section shall -

- (A) have the capacity to compensate for disparate name formats among the different databases referred to in subsection (a) of this section;
- (B) be searchable on a linguistically sensitive basis;
- (C) provide adequate user support;
- (D) to the extent practicable, utilize commercially available technology; and
- (E) be adjusted and improved, based upon experience with the databases and improvements in the underlying technologies and sciences, on a continuing basis.

(2) Linguistically sensitive searches

(A) In general

To satisfy the requirement of paragraph (1)(B), the interoperable electronic database shall be searchable based on linguistically sensitive algorithms that -

- (i) account for variations in name formats and transliterations, including varied spellings and varied separation or combination of name elements, within a particular language; and
- (ii) incorporate advanced linguistic, mathematical, statistical, and anthropological research and methods.

(B) Languages required

(i) Priority languages

Linguistically sensitive algorithms shall be

developed and implemented for no fewer than 4 languages designated as high priorities by the Secretary of State, after consultation with the Attorney General and the Director of Central Intelligence.

(ii) Implementation schedule

Of the 4 linguistically sensitive algorithms required to be developed and implemented under clause (i) -

(I) the highest priority language algorithms shall be implemented within 18 months after May 14, 2002; and

(II) an additional language algorithm shall be implemented each succeeding year for the next three years.

(3) Adequate user support

The Secretary of State and the Attorney General shall jointly prescribe procedures to ensure that consular and immigration officers can, as required, obtain assistance in resolving identity and other questions that may arise about the names of aliens seeking visas or admission to the United States that may be subject to variations in format, transliteration, or other similar phenomenon.

(4) Interim reports

Six months after May 14, 2002, the President shall submit a report to the appropriate committees of Congress on the progress in implementing each requirement of this section.

(5) Reports by intelligence agencies

(A) Current standards

Not later than 60 days after May 14, 2002, the Director of Central Intelligence shall complete the survey and issue the report previously required by section 309(a) of the Intelligence Authorization Act for Fiscal Year 1998 (50 U.S.C. 403-3 note).

(B) Guidelines

Not later than 120 days after May 14, 2002, the Director of Central Intelligence shall issue the guidelines and submit the copy of those guidelines previously required by section 309(b) of the Intelligence Authorization Act for Fiscal Year 1998 (50 U.S.C. 403-3 note).

(6) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out the provisions of this subsection.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections [1701](#), [1723](#), [1724](#), [1737](#), [1772](#)

of this title; title 6 section 237.

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Sec. 1723. Commission on Interoperable Data Sharing

TITLE 8, CHAPTER 15, SUBCHAPTER II, Sec. 1723.

STATUTE

(a) Establishment

Not later than one year after October 26, 2001, the President shall establish a Commission on Interoperable Data Sharing (in this section referred to as the "Commission"). The purposes of the Commission shall be to -

- (1)** monitor the protections described in section [1721\(c\)\(3\)](#) of this title;
- (2)** provide oversight of the interoperable electronic data system described in section [1722](#) of this title; and
- (3)** report to Congress annually on the Commission's findings and recommendations.

(b) Composition

The Commission shall consist of nine members, who shall be appointed by the President, as follows:

- (1)** One member, who shall serve as Chair of the Commission.
- (2)** Eight members, who shall be appointed from a list of nominees jointly provided by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

(c) Considerations

The Commission shall consider recommendations regarding the following issues:

- (1)** Adequate protection of privacy concerns inherent in the design, implementation, or operation of the interoperable electronic data system.
- (2)** Timely adoption of security innovations, consistent with generally accepted security standards, to protect the integrity and confidentiality of information to prevent the risks of accidental or unauthorized loss, access, destruction, use modification, or disclosure of information.
- (3)** The adequacy of mechanisms to permit the timely correction of errors in data maintained by the interoperable data system.
- (4)** Other protections against unauthorized use of data to guard against the misuse of the interoperable data system

or the data maintained by the system, including recommendations for modifications to existing laws and regulations to sanction misuse of the system.

(d) Authorization of appropriations

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

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Sec. 1724. Personnel management authorities for positions involved in the development and implementation of the interoperable electronic data system ("Chimera system")

TITLE 8, CHAPTER 15, SUBCHAPTER II, Sec. 1724.

STATUTE

- (a) In general
Notwithstanding any other provision of law relating to position classification or employee pay or performance, the Attorney General may hire and fix the compensation of necessary scientific, technical, engineering, and other analytical personnel for the purpose of the development and implementation of the interoperable electronic data system described in section [1722\(a\)\(2\)](#) of this title (also known as the "Chimera system").
- (b) Limitation on rate of pay
Except as otherwise provided by law, no employee compensated under subsection (a) of this section may be paid at a rate in excess of the rate payable for a position at level III of the Executive Schedule.
- (c) Limitation on total calendar year payments
Total payments to employees under any system established under this section shall be subject to the limitation on payments to employees under section 5307 of title 5.
- (d) Operating plan
Not later than 90 days after May 14, 2002, the Attorney General shall submit to the Committee on Appropriations, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on International Relations of the House of Representatives an operating plan -
 - (1) describing the Attorney General's intended use of the authority under this section; and
 - (2) identifying any provisions of title 5 being waived for

purposes of the development and implementation of the Chimera system.

(e) Termination date

The authority of this section shall terminate upon the implementation of the Chimera system.

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SUBCHAPTER III - VISA ISSUANCE

TITLE 8, CHAPTER 15, SUBCHAPTER III.

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Sec. 1731. Implementation of an integrated entry and exit data system

TITLE 8, CHAPTER 15, SUBCHAPTER III, Sec. 1731.

STATUTE

- (a) Development of system
In developing the integrated entry and exit data system for the ports of entry, as required by the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106-215), the Attorney General and the Secretary of State shall -
- (1) implement, fund, and use a technology standard under section [1379](#) of this title at United States ports of entry and at consular posts abroad;
 - (2) establish a database containing the arrival and departure data from machine-readable visas, passports, and other travel and entry documents possessed by aliens; and
 - (3) make interoperable all security databases relevant to making determinations of admissibility under section [1182](#) of this title.
- (b) Implementation
In implementing the provisions of subsection (a) of this section, the Immigration and Naturalization Service and the Department of State shall -
- (1) utilize technologies that facilitate the lawful and efficient cross-border movement of commerce and persons without compromising the safety and security of the United States; and
 - (2) consider implementing the North American National Security Program described in section [1751](#) of this title.

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Sec. 1732. Machine-readable, tamper-resistant entry and exit documents

TITLE 8, CHAPTER 15, SUBCHAPTER III, Sec. 1732.

STATUTE

(a) Report

(1) In general

Not later than 180 days after May 14, 2002, the Attorney General, the Secretary of State, and the National Institute of Standards and Technology (NIST), acting jointly, shall submit to the appropriate committees of Congress a comprehensive report assessing the actions that will be necessary, and the considerations to be taken into account, to achieve fully, not later than October 26, 2004

-

(A) implementation of the requirements of subsections (b) and (c) of this section; and

(B) deployment of the equipment and software to allow biometric comparison and authentication of the documents described in subsections (b) and (c) of this section.

(2) Estimates

In addition to the assessment required by paragraph (1), the report required by that paragraph shall include an estimate of the costs to be incurred, and the personnel, man-hours, and other support required, by the Department of Justice, the Department of State, and NIST to achieve the objectives of subparagraphs (A) and (B) of paragraph (1).

(b) Requirements

(1) In general

Not later than October 26, 2004, the Attorney General and the Secretary of State shall issue to aliens only machine-readable, tamper-resistant visas and other travel and entry documents that use biometric identifiers. The Attorney General and the Secretary of State shall jointly establish document authentication standards and biometric identifiers standards to be employed on such visas and other travel and entry documents from among those biometric identifiers recognized by domestic and international standards organizations.

(2) Readers and scanners at ports of entry

- (A) In general**
Not later than October 26, 2004, the Attorney General, in consultation with the Secretary of State, shall install at all ports of entry of the United States equipment and software to allow biometric comparison and authentication of all United States visas and other travel and entry documents issued to aliens, and passports issued pursuant to subsection (c)(1) of this section.
- (B) Use of readers and scanners**
The Attorney General, in consultation with the Secretary of State, shall utilize biometric data readers and scanners that -

 - (i)** domestic and international standards organizations determine to be highly accurate when used to verify identity;
 - (ii)** can read the biometric identifiers utilized under subsections (b)(1) and (c)(1) of this section; and
 - (iii)** can authenticate the document presented to verify identity.
- (3) Use of technology standard**
The systems employed to implement paragraphs (1) and (2) shall utilize the technology standard established pursuant to section 1379 of this title.
- (c) Technology standard for visa waiver participants**

 - (1) Certification requirement**
Not later than October 26, 2004, the government of each country that is designated to participate in the visa waiver program established under section 1187 of this title shall certify, as a condition for designation or continuation of that designation, that it has a program to issue to its nationals machine-readable passports that are tamper-resistant and incorporate biometric and document authentication identifiers that comply with applicable biometric and document identifying standards established by the International Civil Aviation Organization. This paragraph shall not be construed to rescind the requirement of section 1187(a)(3) of this title.
 - (2) Use of technology standard**
On and after October 26, 2004, any alien applying for admission under the visa waiver program under section 1187 of this title shall present a passport that meets the requirements of paragraph

 - (1)** unless the alien's passport was issued prior to that date.
- (d) Authorization of appropriations**
There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursement to international and domestic standards organizations.

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Sec. 1733. Terrorist lookout committees

TITLE 8, CHAPTER 15, SUBCHAPTER III, Sec. 1733.

STATUTE

- (a) Establishment
The Secretary of State shall require a terrorist lookout committee to be maintained within each United States mission to a foreign country.
- (b) Purpose
The purpose of each committee established under subsection (a) of this section shall be -
 - (1) to utilize the cooperative resources of all elements of the United States mission in the country in which the consular post is located to identify known or potential terrorists and to develop information on those individuals;
 - (2) to ensure that such information is routinely and consistently brought to the attention of appropriate United States officials for use in administering the immigration laws of the United States; and
 - (3) to ensure that the names of known and suspected terrorists are entered into the appropriate lookout databases.
- (c) Composition; chair
The Secretary shall establish rules governing the composition of such committees.
- (d) Meetings
Each committee established under subsection (a) of this section shall meet at least monthly to share information pertaining to the committee's purpose as described in subsection (b)(2) of this section.
- (e) Periodic reports to the Secretary of State
Each committee established under subsection (a) of this section shall submit monthly reports to the Secretary of State describing the committee's activities, whether or not information on known or suspected terrorists was developed during the month.
- (f) Reports to Congress
The Secretary of State shall submit a report on a quarterly basis to the appropriate committees of Congress on the status of the committees established under subsection (a) of this section.

(g) Authorization of appropriations

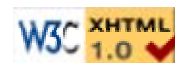
There are authorized to be appropriated such sums as may be necessary to implement this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 6 section 236.

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Sec. 1734. Improved training for consular officers

TITLE 8, CHAPTER 15, SUBCHAPTER III, Sec. 1734.

STATUTE

(a) Training

The Secretary of State shall require that all consular officers responsible for adjudicating visa applications, before undertaking to perform consular responsibilities, receive specialized training in the effective screening of visa applicants who pose a potential threat to the safety or security of the United States. Such officers shall be specially and extensively trained in the identification of aliens inadmissible under section [1182\(a\)\(3\)\(A\)](#) and (B) of this title, interagency and international intelligence sharing regarding terrorists and terrorism, and cultural-sensitivity toward visa applicants.

(b) Use of foreign intelligence information

As an ongoing component of the training required in subsection (a) of this section, the Secretary of State shall coordinate with the Assistant to the President for Homeland Security, Federal law enforcement agencies, and the intelligence community to compile and disseminate to the Bureau of Consular Affairs reports, bulletins, updates, and other current unclassified information relevant to terrorists and terrorism and to screening visa applicants who pose a potential threat to the safety or security of the United States.

(c) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to implement this section.

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Sec. 1735. Restriction on issuance of visas to nonimmigrants from countries that are state sponsors of international terrorism

TITLE 8, CHAPTER 15, SUBCHAPTER III, Sec. 1735.

STATUTE

- (a) In general

No nonimmigrant visa under section [1101\(a\)\(15\)](#) of this title shall be issued to any alien from a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Attorney General and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety or national security of the United States. In making a determination under this subsection, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Attorney General and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.
- (b) State sponsor of international terrorism defined
 - (1) In general

In this section, the term "state sponsor of international terrorism" means any country the government of which has been determined by the Secretary of State under any of the laws specified in paragraph (2) to have repeatedly provided support for acts of international terrorism.
 - (2) Laws under which determinations were made

The laws specified in this paragraph are the following:

 - (A) Section 2405(j)(1)(A) of title 50, Appendix (or successor statute).
 - (B) Section 2780(d) of title 22.
 - (C) Section 2371(a) of title 22.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 7410.

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Sec. 1736. Check of lookout databases

TITLE 8, CHAPTER 15, SUBCHAPTER III, Sec. 1736.

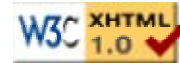
STATUTE

Prior to the admission of an alien under the visa waiver program established under section 1187 of this title, the Immigration and Naturalization Service shall determine that the applicant for admission does not appear in any of the appropriate lookout databases available to immigration inspectors at the time the alien seeks admission to the United States.

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Sec. 1737. Tracking system for stolen passports

TITLE 8, CHAPTER 15, SUBCHAPTER III, Sec. 1737.

STATUTE

- (a) Entering stolen passport identification numbers in the interoperable data system
 - (1) In general

Beginning with implementation under section 1722 of this title of the law enforcement and intelligence data system, not later than 72 hours after receiving notification of the loss or theft of a United States or foreign passport, the Attorney General and the Secretary of State, as appropriate, shall enter into such system the corresponding identification number for the lost or stolen passport.
 - (2) Entry of information on previously lost or stolen passports

To the extent practicable, the Attorney General, in consultation with the Secretary of State, shall enter into such system the corresponding identification numbers for the United States and foreign passports lost or stolen prior to the implementation of such system.
- (b) Transition period

Until such time as the law enforcement and intelligence data system described in section 1722 of this title is fully implemented, the Attorney General shall enter the data described in subsection (a) of this section into an existing data system being used to determine the admissibility or deportability of aliens.

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Sec. 1738. Identification documents for certain newly admitted aliens

TITLE 8, CHAPTER 15, SUBCHAPTER III, Sec. 1738.

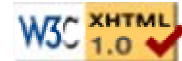
STATUTE

Not later than 180 days after May 14, 2002, the Attorney General shall ensure that, immediately upon the arrival in the United States of an individual admitted under section [1157](#) of this title, or immediately upon an alien being granted asylum under section [1158](#) of this title, the alien will be issued an employment authorization document. Such document shall, at a minimum, contain the fingerprint and photograph of such alien.

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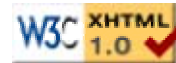


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SUBCHAPTER IV - INSPECTION AND ADMISSION OF ALIENS

TITLE 8, CHAPTER 15, SUBCHAPTER IV.

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Sec. 1751. Study of the feasibility of a North American National Security Program

TITLE 8, CHAPTER 15, SUBCHAPTER IV, Sec. 1751.

STATUTE

- (a) In general

The President shall conduct a study of the feasibility of establishing a North American National Security Program to enhance the mutual security and safety of the United States, Canada, and Mexico.
- (b) Study elements

In conducting the study required by subsection (a) of this section, the President shall consider the following:

 - (1) Preclearance

The feasibility of establishing a program enabling foreign national travelers to the United States to submit voluntarily to a preclearance procedure established by the Department of State and the Immigration and Naturalization Service to determine whether such travelers are admissible to the United States under section 1182 of this title. Consideration shall be given to the feasibility of expanding the preclearance program to include the preclearance both of foreign nationals traveling to Canada and foreign nationals traveling to Mexico.
 - (2) Preinspection

The feasibility of expanding preinspection facilities at foreign airports as described in section 1225a of this title. Consideration shall be given to the feasibility of expanding preinspections to foreign nationals on air flights destined for Canada and Mexico, and the cross training and funding of inspectors from Canada and Mexico.
 - (3) Conditions

A determination of the measures necessary to ensure that the conditions required by section 1225a(a)(5) of this title are satisfied, including consultation with experts recognized for their expertise regarding the conditions required by that section.
- (c) Report

Not later than 1 year after May 14, 2002, the President shall submit to the appropriate committees of Congress a report setting forth the findings of the study conducted under

subsection (a) of this section.

(d) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section [1731](#) of this title.

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Sec. 1752. Staffing levels at ports of entry

TITLE 8, CHAPTER 15, SUBCHAPTER IV, Sec. 1752.

STATUTE

The Immigration and Naturalization Service shall staff ports of entry at such levels that would be adequate to meet traffic flow and inspection time objectives efficiently without compromising the safety and security of the United States. Estimated staffing levels under workforce models for the Immigration and Naturalization Service shall be based on the goal of providing immigration services described in section [1356\(g\)](#) of this title within 45 minutes of a passenger's presentation for inspection.

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Sec. 1753. Joint United States-Canada projects for alternative inspections services

TITLE 8, CHAPTER 15, SUBCHAPTER IV, Sec. 1753.

STATUTE

- (a) In general
United States border inspections agencies, including the Immigration and Naturalization Service, acting jointly and under an agreement of cooperation with the Government of Canada, may conduct joint United States-Canada inspections projects on the international border between the two countries. Each such project may provide alternative inspections services and shall undertake to harmonize the criteria for inspections applied by the two countries in implementing those projects.
- (b) Annual report
The Attorney General and the Secretary of the Treasury shall prepare and submit annually to Congress a report on the joint United States-Canada inspections projects conducted under subsection (a) of this section.
- (c) Exemption from Administrative Procedure Act and Paperwork Reduction Act
Subchapter II of chapter 5 of title 5 (commonly referred to as the "Administrative Procedure Act") and chapter 35 of title 44 (commonly referred to as the "Paperwork Reduction Act") shall not apply to fee setting for services and other administrative requirements relating to projects described in subsection (a) of this section, except that fees and forms established for such projects shall be published as a notice in the Federal Register.

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SUBCHAPTER V - FOREIGN STUDENTS AND EXCHANGE VISITORS

TITLE 8, CHAPTER 15, SUBCHAPTER V.

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Sec. 1761. Foreign student monitoring program

TITLE 8, CHAPTER 15, SUBCHAPTER V, Sec. 1761.

STATUTE

- (a) Omitted
- (b) Information required of the visa applicant

Prior to the issuance of a visa under subparagraph (F), subparagraph (M), or, with respect to an alien seeking to attend an approved institution of higher education, subparagraph (J) of section [1101\(a\)\(15\)](#) of this title, each alien applying for such visa shall provide to a consular officer the following information:

 - (1) The alien's address in the country of origin.
 - (2) The names and addresses of the alien's spouse, children, parents, and siblings.
 - (3) The names of contacts of the alien in the alien's country of residence who could verify information about the alien.
 - (4) Previous work history, if any, including the names and addresses of employers.
- (c) Transitional program
 - (1) In general

Not later than 120 days after May 14, 2002, and until such time as the system described in section [1372](#) of this title is fully implemented, the following requirements shall apply:

 - (A) Restrictions on issuance of visas

A visa may not be issued to an alien under subparagraph (F), subparagraph (M), or, with respect to an alien seeking to attend an approved institution of higher education, subparagraph (J) of section [1101\(a\)\(15\)](#) of this title, unless -

 - (i) the Department of State has received from an approved institution of higher education or other approved educational institution electronic evidence of documentation of the alien's acceptance at that institution; and
 - (ii) the consular officer has adequately reviewed the applicant's visa record.
 - (B) Notification upon visa issuance

Upon the issuance of a visa under section [1101\(a\)\(15\)\(F\)](#) or (M) of this title to an alien, the Secretary

of State shall transmit to the Immigration and Naturalization Service a notification of the issuance of that visa.

(C) Notification upon admission of alien

The Immigration and Naturalization Service shall notify the approved institution of higher education or other approved educational institution that an alien accepted for such institution or program has been admitted to the United States.

(D) Notification of failure of enrollment

Not later than 30 days after the deadline for registering for classes for an academic term, the approved institution of higher education or other approved educational institution shall inform the Immigration and Naturalization Service through data-sharing arrangements of any failure of any alien described in subparagraph (C) to enroll or to commence participation.

(2) Requirement to submit list of approved institutions

Not later than 30 days after May 14, 2002, the Attorney General shall provide the Secretary of State with a list of all approved institutions of higher education and other approved educational institutions that are authorized to receive nonimmigrants under section 1101(a)(15)(F) or (M) of this title.

(3) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

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Sec. 1762. Review of institutions and other entities authorized to enroll or sponsor certain nonimmigrants

TITLE 8, CHAPTER 15, SUBCHAPTER V, Sec. 1762.

STATUTE

- (a) Periodic review of compliance

Not later than two years after May 14, 2002, and every two years thereafter, the Commissioner of Immigration and Naturalization, in consultation with the Secretary of Education, shall conduct a review of the institutions certified to receive nonimmigrants under section [1101\(a\)\(15\)\(F\)](#), (M), or (J) of this title. Each review shall determine whether the institutions are in compliance with -

 - (1) recordkeeping and reporting requirements to receive nonimmigrants under section [1101\(a\)\(15\)\(F\)](#), (M), or (J) of this title; and
 - (2) recordkeeping and reporting requirements under section [1372](#) of this title.
- (b) Periodic review of sponsors of exchange visitors
 - (1) Requirement for reviews

Not later than two years after May 14, 2002, and every two years thereafter, the Secretary of State shall conduct a review of the entities designated to sponsor exchange visitor program participants under section [1101\(a\)\(15\)\(J\)](#) of this title.
 - (2) Determinations

On the basis of reviews of entities under paragraph (1), the Secretary shall determine whether the entities are in compliance with -

 - (A) recordkeeping and reporting requirements to receive nonimmigrant exchange visitor program participants under section [1101\(a\)\(15\)\(J\)](#) of this title; and
 - (B) recordkeeping and reporting requirements under section [1372](#) of this title.
- (c) Effect of material failure to comply

Material failure of an institution or other entity to comply with the recordkeeping and reporting requirements to receive nonimmigrant students or exchange visitor program participants under section [1101\(a\)\(15\)\(F\)](#), (M), or (J) of this

title, or section 1372 of this title, shall result in the suspension for at least one year or termination, at the election of the Commissioner of Immigration and Naturalization, of the institution's approval to receive such students, or result in the suspension for at least one year or termination, at the election of the Secretary of State, of the other entity's designation to sponsor exchange visitor program participants, as the case may be.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 7410.

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SUBCHAPTER VI - MISCELLANEOUS PROVISIONS

TITLE 8, CHAPTER 15, SUBCHAPTER VI.

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Sec. 1771. General Accounting Office study

TITLE 8, CHAPTER 15, SUBCHAPTER VI, Sec. 1771.

STATUTE

(a) Requirement for study

(1) In general

The Comptroller General of the United States shall conduct a study to determine the feasibility and utility of implementing a requirement that each nonimmigrant alien in the United States submit to the Commissioner of Immigration and Naturalization each year a current address and, where applicable, the name and address of an employer.

(2) Nonimmigrant alien defined

In paragraph (1), the term "nonimmigrant alien" means an alien described in section [1101\(a\)\(15\)](#) of this title.

(b) Report

Not later than 1 year after May 14, 2002, the Comptroller General shall submit to Congress a report on the results of the study under subsection (a) of this section. The report shall include the Comptroller General's findings, together with any recommendations that the Comptroller General considers appropriate.

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Sec. 1772. International cooperation

TITLE 8, CHAPTER 15, SUBCHAPTER VI, Sec. 1772.

STATUTE

- (a) International electronic data system
- The Secretary of State and the Commissioner of Immigration and Naturalization, in consultation with the Assistant to the President for Homeland Security, shall jointly conduct a study of the alternative approaches (including the costs of, and procedures necessary for, each alternative approach) for encouraging or requiring Canada, Mexico, and countries treated as visa waiver program countries under section 217 of the Immigration and Nationality Act [8 U.S.C. 1187] to develop an intergovernmental network of interoperable electronic data systems that -
- (1) facilitates real-time access to that country's law enforcement and intelligence information that is needed by the Department of State and the Immigration and Naturalization Service to screen visa applicants and applicants for admission into the United States to identify aliens who are inadmissible or deportable under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);
 - (2) is interoperable with the electronic data system implemented under section 1722 of this title; and
 - (3) performs in accordance with implementation of the technology standard referred to in section 1722(a) of this title.
- (b) Report
- Not later than 1 year after May 14, 2002, the Secretary of State and the Attorney General shall submit to the appropriate committees of Congress a report setting forth the findings of the study conducted under subsection (a) of this section.

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Sec. 1773. Statutory construction

TITLE 8, CHAPTER 15, SUBCHAPTER VI, Sec. 1773.

STATUTE

Nothing in this chapter shall be construed to impose requirements that are inconsistent with the North American Free Trade Agreement or to require additional documents for aliens for whom documentary requirements are waived under section [1182\(d\)\(4\)\(B\)](#) of this title.

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Sec. 1774. Annual report on aliens who fail to appear after release on own recognizance

TITLE 8, CHAPTER 15, SUBCHAPTER VI, Sec. 1774.

STATUTE

- (a) Requirement for report
Not later than January 15 of each year, the Attorney General shall submit to the appropriate committees of Congress a report on the total number of aliens who, during the preceding year, failed to attend a removal proceeding after having been arrested outside a port of entry, served a notice to appear under section [1229\(a\)\(1\)](#) of this title, and released on the alien's own recognizance. The report shall also take into account the number of cases in which there were defects in notices of hearing or the service of notices of hearing, together with a description and analysis of the effects, if any, that the defects had on the attendance of aliens at the proceedings.
- (b) Initial report
Notwithstanding the time for submission of the annual report provided in subsection (a) of this section, the report for 2001 shall be submitted not later than 6 months after May 14, 2002.

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Sec. 1775. Retention of nonimmigrant visa applications by the Department of State

TITLE 8, CHAPTER 15, SUBCHAPTER VI, Sec. 1775.

STATUTE

The Department of State shall retain, for a period of seven years from the date of application, every application for a nonimmigrant visa under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. [1101\(a\)\(15\)](#)) in a form that will be admissible in the courts of the United States or in administrative proceedings, including removal proceedings under such Act [8 U.S.C. 1101 et seq.], without regard to whether the application was approved or denied.

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